

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.

8
9 Transcript of excerpt of testimony of
10 FREDERICO MUNOZ
11 May 8, 2018, and May 9, 2018
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1 May 8, 2018

2 THE COURT: All right. Ms. Armijo, does
3 the Government have its next witness or evidence?

4 MS. ARMIJO: Yes, Federico Munoz. I
5 believe he'll have to be brought up.

6 THE COURT: All right. Mr. Munoz, if
7 you'll come up and stand next to the witness box in
8 front of me. If you'll raise your right hand to the
9 best of your ability, my courtroom deputy will swear
10 you in.

11 FREDERICO MUNOZ,
12 after having been first duly sworn under oath,
13 was questioned, and testified as follows:

14 THE CLERK: Please be seated. State your
15 name and spell your last name for the record.

16 THE WITNESS: Federico Munoz.

17 THE COURT: Mr. Munoz. Ms. Armijo.

18 MS. ARMIJO: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. ARMIJO:

21 Q. Sir, how old are you?

22 A. I'm 38.

23 Q. And are you now or have you ever been a
24 member of the SNM?

25 A. Yes.

1 Q. And do you recall how old you were when
2 you joined?

3 A. Sixteen.

4 Q. Now, you went in when you were 16 years
5 old. And where was it that you joined?

6 A. At the Western New Mexico Correctional
7 Facility in Grants.

8 Q. Prior to becoming a member, did you have a
9 relationship with someone that had family members
10 that assisted you in becoming a member?

11 A. Yes.

12 Q. And was that a girlfriend?

13 A. Yes.

14 Q. And who were her relatives within the SNM?

15 A. Some high-ranking members of it.

16 Q. Now, when you were 16 years old and you
17 joined, did you realize what the SNM was?

18 A. Yes.

19 Q. And how did you realize that?

20 A. Everybody in the community of young
21 gangsters knew what the SNM was. I knew more about
22 it because of my relationship to the niece of one of
23 the members.

24 Q. And so did you know what would be expected
25 of you as an SNM member?

1 A. Yes.

2 Q. And what was that?

3 A. To do whatever my bosses said, all the way
4 up to killing people for it.

5 Q. Now, you were 16 years old. What year was
6 that, approximately?

7 A. 1996.

8 Q. And you mentioned it was in what city?

9 A. In Grants, New Mexico.

10 Q. Now, were you in the New Mexico
11 Corrections Department?

12 A. Yes, ma'am.

13 Q. Had you previously spent time in the -- in
14 a jail facility where you met other members of the
15 SNM?

16 A. Yes.

17 Q. Who brought you in officially to the SNM?

18 A. That would be Marty Barros, Billy Garcia.

19 Q. And when you say Billy Garcia, did he have
20 a nickname?

21 A. Yes, ma'am.

22 Q. And what nickname was that?

23 A. Wild Bill.

24 Q. Do you see Wild Bill in the courtroom
25 today?

1 MR. CASTLE: We'll stipulate to
2 identification, Your Honor.

3 THE COURT: Is that satisfactory,
4 Ms. Armijo?

5 MS. ARMIJO: Yes, Your Honor.
6 BY MS. ARMIJO:

7 Q. And when you say "brought in," what is
8 meant by bringing somebody in?

9 A. Endorsing my induction, my entrance into
10 the gang.

11 Q. Now, since you were so young, was there
12 anything that was told to you about what would be
13 expected of you?

14 A. Yes, ma'am.

15 Q. And do you recall the people that brought
16 you in told you those things?

17 A. Yes, ma'am.

18 Q. Okay. I'm going to refer specifically to
19 Billy Garcia. Did he tell you anything as far as
20 what would be expected of you in the SNM?

21 A. Mr. Garcia stated that I if wanted to be
22 --

23 MR. SINDEL: Your Honor, that's hearsay.

24 THE COURT: Well --

25 MR. SINDEL: If it's being offered for the

1 truth of the matter, it's hearsay.

2 MS. ARMIJO: It's Billy Garcia.

3 THE COURT: It's Billy Garcia, so are you
4 asking for a limiting instruction as to everybody
5 else?

6 MR. SINDEL: I am, Your Honor.

7 THE COURT: Any objection to that?

8 MS. ARMIJO: No, Your Honor.

9 THE COURT: All right. So I'll give a
10 limiting instruction. You can only use this
11 evidence in considering the charges against
12 Mr. Billy Garcia. And you cannot use them
13 against -- in your discussions or your deliberations
14 of the charges against the other gentlemen. All
15 right.

16 Ms. Armijo.

17 BY MS. ARMIJO:

18 Q. Now, what did Billy Garcia tell you?

19 A. He stated that if I wanted to be a
20 brother, that I had to officially become a member
21 and I had to earn my bones for the gang.

22 Q. What is meant by "earn your bones for the
23 gang"?

24 A. It means to spill the blood of an enemy on
25 behalf of the gang, kill them, kill your enemy.

1 Q. Now, at the time that he made these
2 statements to you and told you about the SNM, did he
3 have any position in the gang?

4 A. Yes, ma'am.

5 Q. What was his position?

6 A. He was our boss, the boss of everybody
7 that was at the facility at the time.

8 Q. All right.

9 A. He was the highest-ranking member.

10 Q. At the facility?

11 A. Yes, ma'am.

12 Q. Was there anybody else that would be above
13 him outside the facility?

14 A. Yes.

15 Q. Who would that have been?

16 A. That would have been Angel Munoz.

17 Q. All right. And I think --

18 MR. CASTLE: Can we have a timeframe, Your
19 Honor? This is referencing --

20 Q. What year was this?

21 A. 1996.

22 Q. Now, were there other SNM members there at
23 the time?

24 A. Yes.

25 Q. When I say "there," I'm talking about

1 Grants.

2 A. Yes, ma'am.

3 Q. Now, who were some of those people?

4 A. Freddie Sanchez, Fred Dog; Frank Castillo,
5 Pancho.

6 Q. Now, I'm going to show you Defendants'
7 Exhibit AM, which has been admitted. Do you
8 recognize that person?

9 A. Yes, ma'am.

10 Q. Who is that?

11 A. That is Angel Munoz.

12 Q. And did you have an opportunity to
13 actually meet him?

14 A. Oh, yes.

15 Q. When was it that you met him?

16 A. I met Angel Munoz at the North, at the
17 Main unit in Santa Fe, New Mexico, at the North unit
18 in Milan, New Mexico, in Grants. In various
19 facilities, I knew Mr. Munoz. And also on the
20 streets.

21 Q. And did you talk to him about what was
22 expected of you as an SNM member?

23 A. Yes, ma'am.

24 Q. Did he ask you to do anything for him as
25 far as in regard to the SNM in approximately 1998?

1 A. Yes. He ordered me to do a mission.

2 Q. Okay. And what do you mean by "a
3 mission"?

4 A. Meaning kill an enemy of the SNM.

5 Q. Okay. I guess I should ask that. Are
6 there rules within the SNM?

7 A. Yes, there are.

8 Q. And what are the rules as you understood
9 it?

10 A. Not to cooperate with law enforcement; not
11 to reveal anything outside of the family, meaning
12 all of us members of the SNM; to maintain a war
13 footing with everybody that the SNM was rivals with;
14 and when we had a target, to attack and kill the
15 target.

16 Q. Going back -- and is that something that
17 when you were a member of the SNM, that you actually
18 lived by?

19 A. Yes, ma'am.

20 Q. Going back to 1998, what mission did you
21 get from Angel Munoz?

22 A. I was assigned to kill Felix Martinez, who
23 was a member of the SNM but also a member of a rival
24 gang.

25 Q. What member of a rival gang was he?

1 A. That would be the Familia Gang.

2 Q. Was that not allowed?

3 A. Yes. It was forbidden.

4 Q. And so what were your instructions?

5 A. To kill Mr. Martinez, Felix. We called
6 him Animal.

7 Q. And did you have that opportunity to do
8 so?

9 A. Yes, ma'am.

10 Q. And when -- how did that occur?

11 A. Angel Munoz and I were at a facility in
12 Grants. He was there finishing his state sentence
13 and was about to go home. I met with him over
14 there. He gave me the assignment to kill Felix
15 Martinez.

16 When I arrived back at the facility where
17 Mr. Martinez was located, I did what I was told to
18 do.

19 Q. And what facility was that?

20 A. The Bernalillo County Detention Center in
21 Albuquerque.

22 Q. And that is not part of the state system,
23 is it?

24 A. No. It's the county jail, ma'am.

25 Q. And did anybody help you in that mission?

1 A. Yes, ma'am.

2 Q. Who was that?

3 A. That would be Leonard Lujan and Manuel

4 Benito.

5 Q. And how was Animal killed?

6 A. I strangled him, ma'am.

7 Q. Now, do you recall when that was?

8 A. July 5, 1998.

9 Q. Were you immediately charged with that
10 offense?

11 A. No, ma'am.

12 Q. And did you stay in custody for some time,
13 even after that incident?

14 A. Yes, ma'am. From the date that I killed
15 Mr. Martinez all the way up until Father's Day of
16 2001, so I believe that was June 17th of 2001, I was
17 in custody.

18 Q. And then were you released on parole?

19 A. Yes, ma'am.

20 Q. And did you remain out on parole until
21 when?

22 A. I stayed out --

23 Q. Approximately?

24 A. -- six months, and then I was arrested.

25 Q. And what were you arrested for?

1 A. For armed robberies.

2 Q. And did -- before you were arrested, were
3 you involved in another murder for the SNM?

4 A. I was released.

5 Q. Okay.

6 A. I spent about a year in the county jail,
7 and I was released again. And upon my release,
8 about six months after I was released, in 2003, yes,
9 ma'am, I was arrested for another murder.

10 Q. Okay. Just so that we're clear, you were
11 released in 2001?

12 A. It was in 2002, ma'am, so it was -- I
13 would say I got to go home on Christmas of 2002.

14 Q. Okay. But you were released in 2001,
15 committed a new crime, then went back in; is that
16 correct?

17 A. About a year, and then I was released
18 again.

19 Q. All right. Now, when you -- and how long
20 were you on the streets for that time period?

21 A. Six months.

22 Q. And at that point in time, what was your
23 role within the SNM?

24 A. I was a leader. I had senior membership
25 status.

1 Q. Did you fall under anybody?

2 A. Yes. There were still a few guys superior
3 to me.

4 Q. And was there anybody in particular that
5 you looked up to?

6 A. Yes, ma'am.

7 Q. Who was that?

8 A. His name would be Gerald Archuleta.

9 Q. Does he have a nickname?

10 A. Yes.

11 Q. What's his nickname?

12 A. Styx.

13 Q. And as far as the SNM, you say you were a
14 leader. Prior to that, what was your position?

15 A. I was a soldier.

16 Q. What do you mean by "soldier"?

17 A. Meaning --

18 MR. CASTLE: Objection. Can we find out
19 some kind of timeframes as to when we're talking
20 about with Styx, and this and that?

21 MS. ARMIJO: I'll clear it up, Your Honor.

22 THE COURT: All right.

23 BY MS. ARMIJO:

24 Q. I'm right now focusing in on the year 2002
25 when you were released, late 2002 and 2003. Now, is

1 that after you had already killed Animal?

2 A. Yes, ma'am.

3 Q. Had you been charged yet with Animal?

4 A. No, ma'am.

5 THE COURT: Do you want to take these up
6 tomorrow, Ms. Armijo?

7 MS. ARMIJO: Sure, Your Honor.

8 THE COURT: All right. I appreciate
9 everybody's hard work. And I'll talk to you a
10 little bit in the morning and thank you for some
11 stuff, but I'll let y'all get out of here. Be safe
12 on your travels, and see y'all at 8:30 in the
13 morning. I appreciate everybody's attention and
14 hard work.

15 (The jury left the courtroom.)

16 THE COURT: All right. I appreciate
17 y'all's hard work. Y'all have a good evening. See
18 you in the morning.

19 (The Court stood in recess.)
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1 May 9, 2018

2 THE COURT: All right. Good morning,
3 everyone. I appreciate everybody being here and on
4 time and ready to go. Obviously Ms. Bevel has been
5 in contact with y'all this morning, and we've lost a
6 juror. I just want to confirm on the record that
7 Ms. Bevel gave -- I think she tried to call Ms.
8 Armijo but ended up getting Mr. Castellano, and Mr.
9 Castellano agreed under the circumstances that we
10 should release Juror Number 148, William Robert
11 Moore, Jr., from Alamogordo because of the call that
12 he got about his mother and the need for him, as
13 next of kin, to be there.

14 Is that correct, Mr. Castellano?

15 MR. CASTELLANO: It is, Your Honor.

16 THE COURT: And I think probably before
17 she got ahold of Mr. Castellano, Ms. Bevel got ahold
18 of Ms. Harbour-Valdez and she contacted the
19 defendants, and the defendants agreed that he should
20 be excused.

21 Is everyone in agreement with that?

22 MS. HARBOUR-VALDEZ: That's correct, Your
23 Honor.

24 THE COURT: All right. What would y'all
25 like for me to say to the jury? Would you like

1 Ms. Bevel just to handle it? Would you like for me
2 to say something on the record when he comes in?

3 Any preferences? Ms. Armijo? Mr.
4 Castellano?

5 MS. ARMIJO: No preferences, Your Honor.
6 We're okay with Ms. Bevel handling it.

7 MS. HARBOUR-VALDEZ: That's fine, Your
8 Honor.

9 THE COURT: All right. Well, why don't
10 you just tell them what occurred this morning and --

11 THE CLERK: He won't be back.

12 THE COURT: All right. Is there anything
13 we need to discuss before we bring the jury in? Is
14 there anything I can do for you this morning?

15 Ms. Armijo? Mr. Castellano?

16 MS. ARMIJO: No, Your Honor.

17 THE COURT: Glad you're feeling better,
18 Mr. Beck, and back.

19 MR. BECK: Thank you, Your Honor.

20 THE COURT: How about from the defendant?
21 Anybody have anything we need to discuss? All
22 right. We're getting a lot of motions and joinders
23 and things like that on these subpoenas to the
24 Corrections Department. Any thoughts how to deal
25 with it? Do you want me to just sit down and deal

1 with it. Or do you want to try to bring them in and
2 argue? Do you want to try to get with them and see
3 if you can work something out? What would be best?

4 Mr. Castle.

5 MR. CASTLE: The motions to quash, I think
6 a lot of them are going to be moot, Your Honor.

7 THE COURT: Okay.

8 MR. CASTLE: I talked to the Government
9 last night about it. I haven't had the opportunity
10 to really talk to the Corrections Department.
11 Because there are witnesses that the Government I
12 think has withdrawn, they're not going to use, so
13 why have them jump through hoops?

14 THE COURT: All right. Well, keep me
15 posted.

16 MR. CASTLE: I will.

17 THE COURT: If you decide I need to rule
18 on something, let me know whether you want to try to
19 get them up here for hearing, or you just want me to
20 rule on them, or what. So just keep me posted on
21 that.

22 MR. CASTLE: I will.

23 (The jury entered the courtroom.)

24 THE COURT: It's very good to see you this
25 morning. One of our own had some difficulty this

1 morning, and I think Ms. Bevel explained it to you.
2 I think he said he'd rather be here than the
3 decisions he's got to make in Phoenix today. So
4 we'll certainly be thinking of Mr. Moore. And thank
5 you for being here and keep yourselves and your
6 families healthy. Okay? We need you.

7 Trials are tough, and lengthy trials like
8 this are tough. We've had some lawyers that, as you
9 know, have been sick. We've got one lawyer that's
10 going through some of the same issues as Mr. Moore.
11 We've got another lawyer today that is missing a
12 very close family funeral. These are tough. It's
13 very tough on them. There is a lot of life that
14 goes on when you have a trial this length.

15 So I say that because I just appreciate
16 what you're doing. It's a reminder to us all about
17 the time you're giving, the service that you're
18 making to the country, the district. And we're just
19 really thankful you're here and thankful for all
20 you're doing for us.

21 All right. Is Mr. Montano ready to resume
22 his place in the witness box?

23 MS. ARMIJO: No, I believe --

24 THE COURT: I meant Mr. Munoz. I'm sorry.

25 Mr. Munoz.

1 MS. ARMIJO: I believe they're bringing
2 him up.

3 THE COURT: All right. Mr. Munoz, if
4 you'll return to your place in the witness box, I'll
5 remind you that you're still under oath.

6 THE WITNESS: Yes, sir.

7 THE COURT: Ms. Armijo, if you wish to
8 continue your direct examination of Mr. Munoz, you
9 may do at this time.

10 MS. ARMIJO: Thank you.

11 THE COURT: Ms. Armijo.

12 FREDERICO MUNOZ,
13 after having been previously duly sworn under
14 oath, was questioned, and continued testifying
15 as follows:

16 CONTINUED DIRECT EXAMINATION

17 BY MS. ARMIJO:

18 Q. Good morning, Mr. Munoz.

19 A. Good morning.

20 Q. Now, let me first go over a few things
21 before we get back to kind of where we are. Do you
22 have any tattoos?

23 A. Yes, ma'am.

24 Q. And I know that, and I know that we have
25 had -- we already have some photographs of you in

1 evidence.

2 MS. ARMIJO: But seeing no objection, Your
3 Honor, at this time I am moving into admission 707,
4 710 and 712.

5 THE COURT: Any objection from any
6 defendant? Not seeing or hearing any, Government's
7 Exhibits 707, 710, and 712 will be admitted into
8 evidence.

9 (Government Exhibits 707, 710, and 712
10 admitted.)

11 BY MS. ARMIJO

12 Q. All right. If we could show Exhibit 707.
13 What is it that we're looking at here?

14 A. That's me, Your Honor.

15 Q. And do you have any SNM-related tattoos?

16 A. Yes, ma'am.

17 Q. And do we see any in Exhibit 707?

18 A. Yes, at the center of my chest.

19 Q. What is it that you have?

20 A. It is the state symbol on the flag, with
21 the letters "SNM" inside of it.

22 Q. All right. So we see a big "S." Are
23 there actually an "N" and an "M" in it, as well?

24 A. Yes, ma'am.

25 Q. And who is allowed to have that tattoo?

1 A. Only members of the SNM who have earned
2 it.

3 Q. When you say "earned it," what do you
4 mean?

5 A. Meaning if I did a job, a successful
6 operation for the SNM, then I -- I have earned the
7 right to wear that at that time.

8 Q. When you say "earned the right to," would
9 that mean earning your bones?

10 A. Yes, ma'am.

11 Q. I'm showing Exhibit Number 710. What
12 about this? What is that we're looking at?

13 A. That is also the state Zia flag, but with
14 the words -- the initials of the street gang that I
15 was from.

16 Q. Okay. And what street gang were you from?

17 A. South Valley Pajaritos.

18 Q. Last, I'm going to show 712. What is it
19 that we're looking at here?

20 A. There is a tattoo on the back of my neck
21 which says "Syndicato," which is the Spanish word
22 for syndicate.

23 Q. Is that an SNM tattoo, as well?

24 A. Yes.

25 Q. Now, we were talking yesterday about some

1 of your activity as far as criminal convictions. I
2 believe we talked about in 1998 and Animal. Now,
3 you were talking about when you -- you were released
4 again in late 2002; is that correct?

5 A. Yes, ma'am.

6 Q. And then when you were released, did you
7 continue in criminal activity?

8 A. Yes.

9 Q. All right. Was there a shooting that you
10 were involved in?

11 A. A few of them, ma'am.

12 Q. Okay. Now, I'm going to go specifically
13 to one related to Julian Romero.

14 A. Yes, ma'am.

15 Q. Who is Julian Romero?

16 A. He was also a senior member of the SNM in
17 2003.

18 Q. And were there -- and you indicated that
19 before that you kind of followed Gerald Archuleta;
20 is that correct?

21 A. Yes, ma'am. In fact, I followed him
22 directly.

23 Q. And was there something going on in 2003
24 that led you to a shooting incident regarding Julian
25 Romero?

1 A. Yes. Julian Romero and Gerald Archuleta
2 were enemies over the circumstances of Gerald
3 Archuleta's wife. She was having an affair with
4 Julian Romero.

5 Q. And so as a result of that, did Gerald
6 Archuleta do anything?

7 A. Gerald ordered me to locate Julian and
8 kill him.

9 Q. Was Gerald in custody?

10 A. Yes, ma'am.

11 Q. When you went on the streets what did you
12 do?

13 A. Initially, I couldn't find him. I didn't
14 know where he lived. So I didn't really do anything
15 about it. But then Gerald Archuleta discovered his
16 whereabouts and sent me his street address, his
17 physical address. And as soon as I obtained the
18 address, I went out and shot him.

19 Q. All right. And when you say you shot him,
20 did he survive?

21 A. Yes, ma'am.

22 Q. All right. Did something happen?
23 Describe briefly what happened during that shooting.

24 A. I and another SNM member drove over there
25 to the address that I was given, circled the block a

1 few times, and couldn't find him. I was on the
2 ankle bracelet. I mean, I had to return home by
3 9:00 so I didn't violate. So I wanted to make one
4 more pass-through before 9:00. At the last
5 pass-through, a car arrived at the address that I
6 was given, and Julian Romero and the lady who was
7 Gerald's wife were in the car. Julian was standing
8 at the driver's door, leaning into the window,
9 talking to, I'm assuming, the lady.

10 Q. And did you shoot or --

11 A. I called him. I called his name, and he
12 responded. He looked up at me. I said, "Julian,
13 what's up, carnal?" "Carnal" meaning brother.

14 And he said, "Who is this?" And he began
15 to walk up to the car. My intention was for him to
16 walk up all the way up to me at the car, and I was
17 going to shoot him in the head. But my brother who
18 was driving the vehicle got hysterical and started
19 yelling at me, for me to shoot him before I was
20 ready to do it.

21 So I shot. And Julian fell and got up and
22 took off running, ma'am.

23 Q. So Julian lived?

24 A. Yes.

25 Q. And you indicated that you were on parole

1 at the time?

2 A. Yes.

3 Q. Did you have an ankle bracelet?

4 A. Yes.

5 Q. Now, when you were on parole, was there
6 anybody else -- were you supposed to associate with
7 other gang members?

8 A. The probation and parole department's
9 rules were that I was not to socialize with anybody
10 who was a member of a gang.

11 Q. And were you socializing with other
12 people?

13 A. Oh, yes, ma'am.

14 Q. Were you socializing with Billy Garcia?

15 A. Yes, ma'am.

16 Q. Did you get in trouble for that?

17 A. Yes, ma'am. I violated my parole for that
18 very reason.

19 Q. All right. Now, did you -- and
20 approximately when was that, that incident, the
21 shooting?

22 A. I was involved in another shooting in
23 April of 2003, so I would say about a month before
24 the shooting that led to my arrest.

25 Q. All right. And we'll talk about that in a

1 second. But maybe March of 2003?

2 A. Yes, ma'am.

3 Q. Now, did something happen with your
4 relationship with Billy Garcia as a result of that?

5 A. Yes, ma'am.

6 Q. What happened?

7 A. It ended.

8 Q. And why was that?

9 A. Because Billy Garcia was encouraging me
10 not to shoot Julian Romero.

11 Q. Okay. Do you know whether or not -- or
12 what is your belief as far as the Gerald Archuleta
13 and Julian Romero fight -- or rivalry, I should say?
14 Between that fight between the two of them, which
15 side was Billy Garcia on?

16 A. I believe Mr. Garcia was on the wrong side
17 of it. Because Angel Munoz, who was the commander
18 in chief for all of us, had decreed that brothers
19 are not to be messing around with other brothers'
20 wives. And when Julian started having his affair
21 with Gerald's wife, Julian was in the wrong for
22 that.

23 And so when I received the order from
24 Gerald to shoot Julian, I consulted with Mr. Garcia
25 about the matter out of respect, because I did love

1 and respect Mr. Garcia. And he told me to stay out
2 of it, that that's not my fight. And my response
3 was it was my fight because it was a rule passed
4 down from Angel not to do that. So I was going to
5 do it anyway.

6 And at that point, Mr. Garcia and I no
7 longer had a relationship.

8 Q. You indicated that you were involved in
9 another shooting in April of 2003?

10 A. Yes, ma'am.

11 Q. And was that at a barber shop?

12 A. Yes.

13 Q. What was that about?

14 A. It was about another rivalry between the
15 LC and the SNM.

16 Q. What is the LC?

17 A. Los Carnales. It's primarily a prison
18 gang. But they were a lesser gang to the SNM. And
19 we were systematically targeting and hitting them
20 everywhere we could find them.

21 Q. And so what barber shop did you go to?

22 A. It was the Goodfellas barber shop in the
23 North Valley of Albuquerque, New Mexico.

24 Q. When you went there, were you expecting to
25 be involved in a shooting?

1 A. No, ma'am.

2 Q. What happened?

3 A. I was in there with my wife and another
4 brother of the SNM and his girlfriend. I had taken
5 him over there to do business with the owner of the
6 barber shop.

7 Q. When you say "business," what do you mean?

8 A. He was there to pick up drugs from the
9 owner of the barber shop.

10 Q. All right. And did an LC member walk in?

11 A. Yes. A guy drove up in a white Blazer
12 with two women. They entered the barber shop. I
13 looked up at the guy. He looked at me. We did not
14 recognize each other, so I went back to looking at
15 the magazine. He approached the owner of the barber
16 shop, who was cutting hair at the stall. He spoke
17 to him briefly, and began to leave the barber shop.

18 Well, my brother, who was also at that
19 stall where the owner was cutting hair, ran up to me
20 and said in my ear that the guy who was leaving the
21 barber shop was an LC, a member of the LC.

22 Q. What did you do at that point?

23 A. Dropped the magazine, drew a nine
24 millimeter that I had in my waistband, and I called
25 out for the guy. He stopped, and he turned around.

1 I walked up to him and asked him where he was from.

2 Q. And what you mean, where he was from?

3 A. Meaning what was his gang, what was his
4 affiliation, what did he represent? And his
5 response was -- he approached me. He saw that I had
6 the gun in my hand. He put his nose to my nose. He
7 was a big guy, bigger than me anyway. And he said,
8 "I'm LC, and what?"

9 And he pushed me with his forehead. So I
10 took a few steps back, and I shot him.

11 Q. Now, why did you shoot him?

12 A. Because he was my enemy. I don't know him
13 personally. But he represented my rival gang, so --

14 Q. But this is out on the street. I mean,
15 does that rule carry out on the street?

16 A. To be an SNM member is to be 24/7 an SNM
17 member. You don't turn it off just because you exit
18 a prison, or you go somewhere. You have to
19 represent all the time.

20 Q. And that means even on the street?

21 A. It means wherever you are. Yes, ma'am, on
22 the street.

23 Q. And how long does that last? Is that
24 something that's --

25 A. Until you die.

1 Q. Now, were you eventually arrested for
2 that?

3 A. Yes, ma'am, the same day.

4 MS. ARMIJO: Now I'm going to move in his
5 pen pack without objection, 640, Your Honor.

6 THE COURT: Any objection from any
7 defendants? Not seeing or hearing any, Government's
8 Exhibit 640 will be admitted into evidence.

9 (Government 640 admitted.)

10 BY MS. ARMIJO:

11 Q. All right. All right. Have you seen this
12 item before?

13 A. Yes.

14 Q. Is this your penitentiary pack which has
15 your convictions that you went into, that you were
16 incarcerated for?

17 A. Yes.

18 Q. And I'm going to first start on Bates,
19 which should be the third -- fourth page, 8565. All
20 right. Looks like this one is from 1996, and it's
21 receiving or transferring a stolen vehicle. Do you
22 recall this felony?

23 A. Yes, ma'am. That was the original order
24 that convicted me into the adult prison system.

25 Q. And how old were you?

1 A. I had just turned 16, or I was still 15.

2 If it was January, I was still 15, ma'am.

3 Q. If we could go to Bates 8568. All right.

4 And this is from December 14th of 2004, and it lists
5 two cause numbers there. Do you see that?

6 A. Yes, ma'am.

7 Q. And if we could go to the next page. All
8 right. And were you convicted of -- did you plead
9 guilty or did you go to trial?

10 A. I took a no contest plea, ma'am.

11 Q. And was that to first-degree murder?

12 A. Yes, ma'am.

13 Q. And you were given a life term?

14 A. Yes.

15 Q. Now, which murder was this for?

16 A. This was for the murder at the barber
17 shop.

18 Q. Now, at some point -- you talked about the
19 1998 murder. Yes, 1998 murder. Were you eventually
20 contacted and charged with that murder?

21 A. I was already at the penitentiary in Santa
22 Fe, New Mexico, serving my sentence for the barber
23 shop murder, and I was approached by a homicide
24 detective from a cold case in Albuquerque Police
25 Department with a search warrant for a DNA swab.

1 Q. So at that point you realized that they
2 were cold case, so they were looking into the 1998
3 incident?

4 A. I knew what it was immediately, yes.

5 Q. If I could go to Bates 8573. Does this
6 appear to be the front page for that conviction, as
7 well?

8 A. Yes.

9 Q. And if we could go to the next page. Do
10 you recall what you were convicted of in that case?

11 A. The exact same conviction, and sentence
12 time as I was for the barber shop murder, which was
13 a life sentence.

14 Q. Now, did you plead guilty or no contest?

15 A. I pled guilty, ma'am.

16 Q. Okay. Now, do you recall approximately
17 what year you pled guilty?

18 A. May of 2007.

19 Q. So was there an agreement that those
20 sentences run concurrent?

21 A. The District Attorney stipulated that if I
22 admitted to killing Mr. Martinez, that she would run
23 the life sentence for the crime concurrent to the
24 life sentence that I just began serving for the
25 barber shop murder, yes.

1 Q. Now, when you pled guilty, did you name
2 other people, or did you just want to take
3 responsibility for it yourself?

4 A. Take responsibility for myself. She did
5 not stipulate that I name other people or testify
6 against anybody.

7 Q. Who was it that committed that murder with
8 you?

9 A. I and Leonard Lujan and Manuel Benito.

10 Q. Were you eventually charged federally as
11 well?

12 A. Yes.

13 Q. And did you enter into a plea agreement,
14 as well as an information?

15 A. Yes.

16 MS. ARMIJO: Now, Your Honor, at this time
17 I'm going to move into evidence Exhibits 643, 644,
18 and 645.

19 THE COURT: Any objection from any
20 defendant? Not seeing or hearing any -- are you
21 okay, Mr. Burke?

22 MR. BURKE: Yes, Your Honor. Thank you.

23 THE COURT: Government's Exhibit 643, 644
24 and 645 will be admitted into evidence.

25 (Government Exhibits 643, 644, and 645

1 admitted.)

2 BY MS. ARMIJO:

3 Q. And I'm first going to show you -- were
4 you initially charged with a RICO conspiracy?

5 A. Yes, ma'am.

6 Q. And was that by indictment?

7 A. Yes.

8 Q. Do you recall what -- with what you were
9 indicted with, what the maximum number of years that
10 you could be sentenced to?

11 A. I believe it was 20 or life. I think -- I
12 believe it was 20 or up to life.

13 Q. Do you recall pleading guilty to a
14 different charge for a larger exposure of a
15 sentence?

16 A. Yes.

17 Q. And did that include -- if I could display
18 643?

19 THE COURT: You may.

20 Q. Did that include an information to a
21 charge that carried a longer sentence?

22 A. Yes, ma'am.

23 Q. And is this the first page of that?

24 A. Yes.

25 Q. I'm going to go to page 9 of 643. All

1 right. And are there different Overt Acts here as
2 part of the RICO conspiracy that you pled guilty to?

3 A. Yes, ma'am.

4 Q. And does that include information about
5 the things that you did for the SNM, including the
6 two murders that we've discussed?

7 A. Yes.

8 Q. I'm going to display Exhibit 644 now. Is
9 this the plea agreement that you pled guilty to?

10 A. Yes.

11 Q. And if we could go to page 2. Does that
12 indicate that you pled guilty to racketeering
13 conspiracy?

14 A. Yes, it does.

15 Q. And does it show there on 4A that you were
16 looking at a term of imprisonment for life?

17 A. Yes, ma'am.

18 Q. Lastly, I'm going to display Exhibit 645.
19 Now, 645, is that the addendum pursuant to your plea
20 agreement?

21 A. Yes.

22 Q. And as part of this, do you have to
23 testify truthfully?

24 A. Yes.

25 Q. In order to receive any benefit?

1 A. Yes.

2 Q. And are you still serving your life
3 sentence?

4 A. Yes, ma'am.

5 Q. Do you know, is there any guarantee, even
6 with the state system, that you'll be able to parole
7 out?

8 A. No, ma'am. According to the statute by
9 the state congress, I'm to serve the entire 30-year
10 sentence, at which point I'm eligible to be paroled
11 to the streets. But I have to lobby the parole
12 board for the release. It's not guaranteed.

13 Q. And how much longer do you have for those?

14 A. I believe 15 -- I owe roughly 15 or 14 on
15 my first murder conviction, and a little over 18 on
16 the second one, 18 years.

17 Q. Now, I'm going to go back a little bit in
18 time to the years of 2000 and 2001. Did you know
19 somebody by the name of Rolando Garza?

20 A. Yes, ma'am.

21 Q. And how did you know him?

22 A. I've known Rolando since he and I were
23 both in the juvenile system in the New Mexico Boys
24 School, which was the juvenile prison system. And
25 we actually began serving our adult prison sentences

1 together.

2 Q. And you indicated you were a member of a
3 gang. Was he a member of a street gang?

4 A. Yes. We were both from the same street
5 gang, South Valley Pajaritos.

6 Q. When you both went to prison, do you know
7 if he joined a prison gang?

8 A. Yes, I saw him joining. He joined the LC
9 gang, which was our rivals to the SNM.

10 Q. Now, you are members. Just so that we're
11 clear, can you explain for the jury, if you're a
12 street gang member and then you become a prison gang
13 member, which takes precedence?

14 A. The way the prison systems are designed,
15 for the gangs, when you join a prison gang, loyalty
16 must be to the prison gang. Your loyalties to the
17 street gang are secondary. Many of the prison gang
18 members completely abandoned their ties to the
19 street gang. Some do not. But you must maintain
20 your loyalty to your prison gang first.

21 Q. Now, you indicated that Rolando Garza was
22 a member of the LC?

23 A. Yes, ma'am.

24 Q. At some point in time, did you see him
25 associating as an SNM member?

1 A. Yes.

2 Q. And what did you think of that?

3 A. I was stunned. That was outrageous to me.
4 I knew that the Los Carnales Gang, the LC Gang, was
5 an inferior gang.

6 The facility where Mr. Garza and I were
7 first committed is a reception and diagnostic
8 facility. That means all prisoners sent to prison
9 go there first for diagnostic evaluations, and
10 they're thereafter sent to a permanent facility.

11 Well, the SNM, over a handful of years,
12 had removed all the LCs from all of the other state
13 prison facilities. And the Department of
14 Corrections was housing the remainder of the LC at
15 two units where the reception and diagnostics
16 facility was at.

17 So the impression, for people who don't
18 know anything about prison, when they arrive over
19 there, is that they're -- the first persons that
20 they see are LCs. They began to talk to all of us
21 youngsters that were arriving about joining the LCs.

22 I knew, through my relationship with
23 homies whose family were all SNM members, the true
24 story about that gang.

25 Q. So did you choose SNM as opposed to LC?

1 A. Oh, it was a foregone conclusion that that
2 was going to be my gang.

3 Q. Now, when you saw Rolando Garza, did you
4 hear anything as far as Rolando Garza and a green
5 light?

6 A. I was advocating and demanding that he be
7 punished for joining the LCs and thereafter becoming
8 a member of the SNM.

9 Q. Okay. And did you have a conversation
10 with people about that?

11 A. I was speaking to anybody and everybody at
12 the North. But, yes, ma'am, I did have a
13 conversation.

14 Q. Did you have a conversation specifically
15 with Billy Garcia about that?

16 A. Yes, ma'am.

17 Q. And where was that conversation?

18 A. We were at the state penitentiary in Santa
19 Fe, New Mexico.

20 Q. Okay. Do you recall which facility?

21 A. It was the North unit.

22 Q. And why did you have a conversation with
23 Billy Garcia in particular about it?

24 A. Because I knew Mr. Garcia was being
25 classified to go down to the state pen in Las

1 Cruces, where Rolando Garza was being housed. And I
2 wanted Mr. Garcia to deal with the matter.

3 Q. Now, was Mr. Garcia at this time higher
4 than you in the organization?

5 A. Yes.

6 Q. And so when you say you were advocating
7 for Rolando Garza, what were you advocating for?

8 A. I was advocating that Rolando Garza be
9 killed for having dual memberships in two rival
10 gangs.

11 Q. What was Billy Garcia's response?

12 A. "I'll take care of it."

13 Q. What did you take that to mean?

14 A. That he was going to go to the facility
15 and make sure that Rolando gets smoked for his
16 behavior.

17 Q. And was this prior to Rolando Garza being
18 killed?

19 A. Yes, ma'am.

20 Q. Now, did you ever have a conversation with
21 him, "him" being Billy Garcia, after the incident?

22 A. After the murders occurred, Mr. Garcia was
23 immediately returned back to the state penitentiary,
24 and he was placed right back with me in the housing
25 unit. And I was happy. I gave him a lot of props

1 and love for it, and it was like ya sabes, you know,
2 amor, I love you, thank you.

3 Q. When you say ya sabes, who told you that?

4 A. Billy Garcia told me that.

5 Q. What does that mean?

6 A. Like "you know." Like it was a euphemism
7 for "it got done."

8 Q. Now, did you know a person by the name of
9 Arturo Garcia?

10 A. Yes, ma'am.

11 Q. And how do you know Arturo Garcia?

12 A. I know him primarily through his close
13 relationship with Gerald Archuleta.

14 Q. And what was his position within the gang
15 as far as --

16 A. When I arrived back at the Department of
17 Corrections in 2005, I got sent to the North unit at
18 the beginning of 2006, and Arturo Garcia was on what
19 was called a tabla, which was like council, like a
20 board of directors.

21 Q. Board of directors for what?

22 A. For governing the entire SNM brotherhood.

23 Q. And did you ever have a conversation with
24 him in reference to an incident that was going on
25 between him and another SNM Gang member?

1 A. Yes, ma'am. We had -- it was a heated
2 discussion about he, Mr. Garcia, had confronted me
3 over he was hearing things that I was complaining
4 about his relationship with a woman who used to be
5 with another brother, and he confronted me about
6 whether or not I was commenting on that, during that
7 conversation.

8 Q. I'll just stop you right there. Were you
9 commenting on it?

10 A. Yes, ma'am.

11 Q. Okay. And so he confronted you about
12 that?

13 A. He was asking me whether or not I was
14 disrespecting or talking shit about him being with a
15 particular woman who was with one of our other
16 brothers at the time.

17 Q. What did you tell him?

18 A. I told him that it was wrong, and it was
19 the same thing that Julian Romero did, and it wasn't
20 right. And he responded by saying, "It's different;
21 she's not with that guy anymore." And that was
22 that.

23 Q. Did you also talk to him about a certain
24 situation regarding two SNM members that you felt
25 should be hit?

1 A. Yes, ma'am. If I may just give a little
2 back story on that?

3 Q. First, who was it that you were referring
4 to?

5 A. Brian Rascon and Raymond Rascon, by the
6 names of Cheeky and Coquito.

7 Q. And who were they?

8 A. They were also SNM members.

9 Q. And was there a -- did you feel that they
10 had done something that they needed discipline for,
11 for lack of a better term?

12 A. They did do something.

13 Q. Okay. Explain that.

14 A. After I shot Julian Romero, the SNM
15 divided into two camps -- people who agreed with the
16 hit, even though he survived, and then people who
17 didn't think that my shooting Julian was justified.
18 When I was arrested for the murder at the barber
19 shop, I was placed in the county jail in
20 Albuquerque.

21 Q. That was when? In 2003?

22 A. Yes, ma'am.

23 Q. So --

24 A. Well, when I killed the guy at the barber
25 shop, the whole incident with Julian Romero, that

1 shooting was still raw on everybody's minds, and
2 there was a lot of distrust in the SNM in
3 Albuquerque at the time between all the members that
4 were out there. Most of them were getting arrested
5 for minor violations and were getting sent to the
6 jail where I was housed for the murder.

7 Q. Was that causing issues?

8 A. It was causing a lot of tension in the two
9 pods that the jail administration was housing all of
10 the SNM at. And there was a lot of tension and
11 friction between those of us who were representing
12 the gang at that time. Mr. Rascon and --

13 Q. Which one?

14 A. That would be Cheeky, Raymond. He was
15 very vocal in support of Julian Romero, and he was
16 hostile towards me and Gerald Archuleta about the
17 matter. So I began to campaign to everybody that --
18 because I believe that Julian's behavior with
19 Gerald's wife was wrong, that anybody who took sides
20 with Julian Romero was also in the wrong and should
21 therefore suffer in the same way as Julian, whether
22 it was we kill him in prison or we kill him on the
23 street.

24 I approached Gerald Archuleta about it,
25 wrote him a letter about it, and he issued a green

1 light on Raymond Rascon, Cheeky and Coquito, for
2 their taking sides with Julian on the matter.

3 When I arrived at the North, I brought
4 that up to Arturo Garcia.

5 Q. And why did you bring it up to Arturo
6 Garcia?

7 A. Because the moment I arrived at the North
8 unit, which was where the state prison houses all
9 the members of the SNM who are getting in trouble at
10 the other state facilities, so we all meet up and
11 congregate at the North unit.

12 Cheeky and Coquito were being embraced by
13 many of the brothers, and I was upset about that
14 because it was my understanding through Gerald
15 Archuleta that they were not; they were out; they
16 were to be targeted and hit. So when Mr. Arturo
17 Garcia and I were arguing about my comments on his
18 relationship with a woman, I brought up the whole
19 matter of Cheeky and Coquito.

20 Q. Did you bring it up to him because he was
21 on the tabla?

22 A. Yes.

23 Q. What did he say?

24 A. He said that he's going to take care of it
25 because they're having -- they're going to be doing

1 some work, and he's going to take care of the whole
2 green light with Gerald, meaning get Gerald to
3 remove the green light on the Rascon brothers.

4 Q. And when you said he had plans for them --

5 A. Meaning they were going to allow them to
6 do an operation in exchange for Gerald removing the
7 green light on them.

8 Q. All right. Now, was this before June 17th
9 of 2007?

10 A. Yes, ma'am.

11 Q. Now, when you were at the county jail for
12 that, you said there were a lot of other SNM members
13 there?

14 A. Yes.

15 Q. Was Billy Garcia there?

16 A. Yes, he was there a few times.

17 Q. What did -- do you recall anything in
18 reference to roll call?

19 A. Mr. Garcia would yell out verbally in the
20 morning to those that were loved to him, "Amor." I
21 love you. And then he would respond thereafter by
22 saying, "Fuck Playboy, fuck Styx," meaning me and
23 Gerald Archuleta, who were the ones responsible for
24 shooting Julian Romero.

25 Q. Now, do you see Arturo Garcia in the

1 courtroom today?

2 A. Yes, ma'am, I do.

3 Q. Where is he?

4 A. He is the short gentleman at the far end
5 of the courtroom.

6 Q. What's he wearing?

7 A. He's wearing a blue suit, with a white
8 shirt, and looks like it's a light blue-and-white
9 tie.

10 MS. ARMIJO: May the record reflect the
11 identification of Arturo Garcia?

12 THE COURT: The record will so reflect.

13 Q. Do you know a person by the name of Edward
14 Troup?

15 A. Yes, ma'am.

16 Q. And do you see Edward Troup in the
17 courtroom today?

18 A. Yes, I do.

19 Q. And where is he?

20 A. He is seated closest to the little door
21 that separates the courtroom proper with the
22 viewer's stand.

23 Q. And what is he wearing?

24 A. He's wearing a white shirt with a -- looks
25 like a polka dot tie, blue and white.

1 MS. ARMIJO: May the record reflect
2 identification of defendant Edward Troup?

3 THE COURT: The record will so reflect.

4 Q. Now, do you know Edward Troup in
5 relationship to SNM?

6 A. Yes, ma'am.

7 Q. And is he an SNM member?

8 A. Yes, he is.

9 Q. Now, did you ever have a conversation with
10 Edward Troup after -- did you know Freddie Sanchez?

11 A. Yes, ma'am. I knew him real well.

12 Q. And are you aware approximately when he
13 was killed?

14 A. Yes.

15 Q. Now, after he was killed did you have a
16 conversation with Edward Troup?

17 A. Yes, I did.

18 Q. And where was that conversation?

19 A. It was at the state pen in Santa Fe, New
20 Mexico, the recreation yard.

21 Q. And did you have a conversation
22 specifically about Freddie Sanchez's murder?

23 A. It didn't start that way. I saw him in
24 the yard, when the officer put him in his yard cage
25 and left, when it was just all of us prisoners alone

1 in the yard. He looked at me. We locked eyes, and
2 he said, "What's up, Playboy?"

3 I responded with a profanity. I was upset
4 with him because he was embracing what I consider my
5 enemy, and I said as much to him.

6 Q. Who would that be?

7 A. That would be Raymond Rascon, Cheeky.

8 Q. Okay.

9 A. I told him I didn't have no (speaks
10 Spanish) for him, meaning I didn't have no
11 conversation, no words for him, because he was
12 giving sanctuary and shelter to my enemy.

13 And he responded by saying that he didn't;
14 that Cheeky was supposed to kill Fred Dawg, and he
15 didn't do it; and that Mr. Troup admitted that he
16 himself did it with another guy, Javier Alonso, who
17 was also in the yard that day, and confronted Mr.
18 Troup about revealing that sort of thing in the
19 yard.

20 Q. And who got mad at revealing that sort of
21 thing?

22 A. Javier -- Little Wineo we called him --
23 told Mr. Troup, immediately after that exchange that
24 he and I had, for him not to be putting his fucking
25 name in that.

1 Q. Okay. And is that what Javier Alonso told
2 him?

3 A. Yes.

4 Q. And what was it that Troup said?

5 A. That Cheeky and Coquito didn't kill Fred
6 Dawg; that they had to, meaning Mr. Troup and Little
7 Wineo.

8 Q. All right. Now, after the barber shop
9 murder -- and you indicated that was done because he
10 was a Los Carnales, and that was your enemy; is that
11 correct?

12 A. Yes.

13 Q. Did something happen after that murder
14 with the Los Carnales that caused you to have issues
15 with the SNM?

16 A. Something happened simultaneous to my
17 shooting of the guy at the barber shop with the SNM.
18 They were -- in fact, at the moment I was killing
19 the guy for being an LC, my bosses at the North were
20 negotiating a peace treaty with them.

21 Q. And did that cause you some heartache?

22 A. It rubbed me all wrong, ma'am.

23 Q. Now, did you -- prior to being indicted,
24 did you actually in your mind want to leave the SNM?

25 A. Prior to being indicted?

1 Q. In this case?

2 A. Yes.

3 Q. And does that go back several years?

4 A. It went back even before my shooting of
5 Casanova at the barber shop, but I just didn't have
6 the bravery to leave it. I still represented it.
7 There was a great deal of hypocrisy in my thinking
8 at the time, but I didn't know how to leave it.
9 When I arrived back at the state pen at the North, I
10 observed how things were unfolding relative to the
11 SNM and the LCs and the decisions of my boss, Gerald
12 Archuleta, and it left me very demoralized and
13 dissatisfied with everything.

14 Q. Even though you were upset with the SNM,
15 were you still being treated as an SNM member and
16 getting letters from Gerald Archuleta?

17 A. Oh, yeah.

18 Q. And Arturo Garcia?

19 A. Both on the streets, as well as when I
20 returned back to the Department of Corrections, I
21 would receive correspondence from various members,
22 all the way up until the gang unit stopped allowing
23 inter-prison correspondence between prisoners.

24 Q. Now, once you were indicted and you were
25 cooperating with the United States, were you signed

1 up officially as an FBI source and did you receive
2 money on your commissary?

3 A. Yes, ma'am.

4 Q. Did you receive a tablet in this case,
5 with the discovery?

6 A. Yes, ma'am.

7 Q. And did you violate the rules of the
8 tablet and actually use the internet?

9 A. Yes, ma'am. When I received the tablet I
10 erased it, which thereby allowed me to access the
11 Wi-Fi and the Bluetooth of the computer. Yes.

12 Q. And was that against the rules?

13 A. Yes.

14 Q. As a result of that, were you terminated
15 as far as getting money, being an official source,
16 and getting money on your books?

17 A. Unfortunately, yes.

18 MS. ARMIJO: If I may just have a moment,
19 Your Honor?

20 THE COURT: You may.

21 Q. All right. You've talked about throughout
22 the years, different times, whether it be the Gerald
23 Archuleta and the Julian Romero split, or anything
24 else, even though you had different factions or
25 different politics going on, did the SNM remain one

1 gang?

2 A. Yes. We all represented the SNM flag,
3 even though we had different ideas of how it should
4 operate.

5 MS. ARMIJO: Thank you. I pass the
6 witness.

7 THE COURT: Thank you, Ms. Armijo.

8 Mr. Castle, are you going to go first?

9 MR. CASTLE: Yes, Your Honor. Thank you.

10 CROSS-EXAMINATION

11 BY MR. CASTLE:

12 Q. Good morning Mr. Munoz.

13 A. Good morning, sir.

14 Q. Mr. Munoz, you've indicated that prior to
15 2001 -- let me ask you this. Prior to the 2001
16 murders of Rolando Garza and Frank Castillo, were
17 you part of a committee that sanctioned and put out
18 the hits on those two people?

19 A. I wouldn't say committee, but I certainly
20 had a leadership status.

21 Q. Well, do you recall the first time you
22 were interviewed -- well, first time. You've had a
23 number of interviews with the FBI, right?

24 A. Yes.

25 Q. And one of them, it wasn't your first, but

1 the first time that you actually in an interview
2 told the FBI that you had information about the 2001
3 murders, do you recall telling the FBI -- and that
4 would be Mr. Acee, Special Agent Acee's right here,
5 another task force officer, Mark Myers.

6 Do you recall telling them that you were
7 part of a committee that sanctioned the hits on
8 Rolando Garza and Frank Castillo?

9 A. I was involved in discussions, Mr. Castle,
10 but I don't think that I used the word "committee.

11 Q. Would you like --

12 MR. CASTLE: Let me approach the witness,
13 if I could?

14 THE COURT: You may.

15 Q. We'll just go through it here. You've had
16 an opportunity to look at your reports, right,
17 Mr. Munoz?

18 A. Yes.

19 Q. And you appear to be a very eloquent and
20 intelligent person.

21 A. Thank you.

22 Q. And you've studied up on the human
23 language in your time at the prison?

24 A. Sure.

25 Q. So you're familiar with this report,

1 right?

2 A. I'm pretty sure I am.

3 Q. And it's a December 2nd interview, like I
4 said before? Right? Do you recall that?

5 A. I had a lot of conversations with them,
6 but I'll accept that. If it's an official report,
7 it happened.

8 Q. And just to refresh your memory, you told
9 them at that time that you were part of a committee
10 that sanctioned the hits on Rolando Garza and Frank
11 Castillo. Do you see that?

12 A. Yes.

13 Q. Who was on the committee with you?

14 A. Again, it was more of a series of
15 discussions that were occurring in the yard between
16 various high-ranking members. In my own statement,
17 in my handwritten statement to the FBI, I don't ever
18 remember writing the word "committee."

19 But if the agents at the time used that
20 word, I'll accept it.

21 Q. Well, the fact is, it couldn't have been a
22 committee when you were at PNM because you were in
23 lockdown 23 hours a day, correct?

24 A. Yes, sir.

25 Q. And you'd only be let out an hour a day

1 and go to the rec yards; is that correct?

2 A. Arrange for group yards with whoever we
3 wanted at the time, sir.

4 Q. You're saying the inmates ran the asylum
5 there?

6 A. Oh, absolutely.

7 Q. And there are at least some records that
8 would show that you all met?

9 A. We could ask the yard officer if we can go
10 outside with particular people, and it would happen,
11 yes.

12 Q. Tell us about the committee that you
13 asked -- did you ask for everyone to meet together?

14 A. I think it was Angel Munoz who said that
15 we need to decide who is going to start running the
16 SNM after a lot of the older guys leave.

17 Q. We've already heard testimony that Angel
18 Munoz got out --

19 MS. ARMIJO: Object as to testimony, Your
20 Honor.

21 MR. CASTLE: I agree.

22 Q. Angel Munoz had left the facility in 2000?

23 A. He was coming in and out of the facility,
24 sir.

25 Q. He was out in 2000, correct?

1 A. And returned right back.

2 Q. He returned in 2002; is that right?

3 A. I believe he returned a few times. I
4 don't know the exact date, sir.

5 Q. In any event, in your interviews with the
6 FBI, have they been able to show you any
7 documentation from the prisons that show that you
8 and Mr. Munoz or any of these other committee
9 members were out in the yard at the same time?

10 A. No, sir.

11 Q. Now, we've talked -- you talked a little
12 bit about Mr. Archuleta. You were his right-hand
13 man, right?

14 A. I was his subordinate, yes, sir.

15 Q. And, in fact, I think you've called
16 yourself his right-hand man, right?

17 A. Yeah.

18 Q. And that that began in 1998?

19 A. Yes.

20 Q. Before that, you were very much loyal to
21 Angel Munoz?

22 A. Yes.

23 Q. And you were loyal to Mr. Archuleta from
24 1998 until when?

25 A. Until I vocally left the SNM.

1 Q. Which would have been around when?

2 A. Around the end of '07, early '08.

3 Q. And one of the things that disillusioned
4 you when you left the SNM -- you've talked a little
5 bit about that with the Government here. One of the
6 main reasons was that you believed that when Styx
7 left in 2007, that you were to ascend to the throne,
8 right?

9 A. I don't know about that, sir. In 2007, I
10 had no desires to even be a part of that gang
11 anymore.

12 Q. You don't recall indicating it was your
13 expectation that you were to rise to the level and
14 take the place of Styx once he left the facility?

15 A. That would have been in the late '90s,
16 sir, when I had that expectation.

17 Q. That wasn't one of the reasons you left
18 the SNM, was because you didn't rise as high as you
19 thought you should?

20 A. No, sir.

21 Q. We'll get back to that in a minute. You
22 were on the tabla from the late '90s through --
23 well, through a part of the 2000s, correct?

24 A. I don't use that word, but I certainly was
25 running things, yes.

1 Q. Well, do you recall testifying on February
2 15th of this year? Do you recall that?

3 A. I recall testifying, yes, sir.

4 Q. And I think you actually used the word or
5 agreed with the word "tabla."

6 You were asked the question, "When did you
7 first get on the tabla?"

8 And you said, "The '90s, I'd say
9 throughout the '90s into the 2000s."

10 A. Like I say, sir, the terminology, I
11 wouldn't use that, but I accept that I had
12 leadership status, yes.

13 Q. What would you call it? The board of
14 directors? The committee? What would you call it?

15 A. There was only one really official tabla,
16 and that was at the main unit in '97; and then again
17 in 2006 all the way up until, I would assume, this
18 case began.

19 Q. So when you were asked the question, "When
20 did you first get on the table?" and you said, "The
21 '90s, I'd say throughout the '90s into the 2000s,"
22 you're saying there wasn't a tabla at that time that
23 you answered, during the time period you told --

24 A. I'm saying that I had a senior status
25 assigned to me by Angel Munoz, in addition to being

1 part of other members having that same status, or
2 even more than me. If you say "tabla," I don't know
3 if I accept that terminology.

4 Q. Okay.

5 A. But I was part of something, yeah, status.

6 Q. Part of something that decided whether
7 people lived or died?

8 A. Yes.

9 Q. And I think what you've indicated is one
10 of the main reasons you got upset with the SNM and
11 left was because at the time that you were killing
12 the individual in a barber shop, other leaders of
13 the SNM were part of a truce?

14 A. They were negotiating one, yes.

15 Q. Yes. And they were negotiating an end to
16 the murders?

17 A. Yes.

18 Q. And that upset you?

19 A. Because they were at the same time telling
20 me to maintain the war.

21 Q. Now, if they had continued to authorize
22 the murders, you would have stayed with the SNM?

23 A. I'm not sure about that, sir. Like I
24 said, I was dealing with a great deal of hypocrisy
25 in my thinking and in my decision-making at that

1 time.

2 Q. Okay. I want to bring you back in time, a
3 little bit; actually, a little bit after the 2001
4 murders of Garza and Castillo. Okay?

5 A. Okay.

6 Q. And it was a time when you and an
7 individual by the name of Monte Cantu --

8 A. Yes.

9 Q. -- went in and did an armed robbery at a
10 Goodwill store. Do you recall that event?

11 A. Yes.

12 Q. And during that robbery, afterwards --

13 MS. ARMIJO: Objection, Your Honor, for
14 609. This is prior to him being an SNM member.

15 THE COURT: Are you going into the facts
16 of the robbery, or what?

17 MR. CASTLE: Very few facts I'm going to
18 get out about the robbery.

19 THE COURT: Well, I have to sustain on the
20 basis of the motion.

21 MR. CASTLE: Just to let the Court know,
22 it hasn't been past 15 years since he finished that
23 sentence.

24 THE COURT: But the conviction has already
25 come in. Sustained.

1 MR. CASTLE: Okay.

2 BY MR. CASTLE:

3 Q. Well, as a result of that robbery that you
4 and Cantu did, you started working with the
5 Albuquerque Police Department, correct?

6 A. No, sir.

7 Q. You don't recall working with the police
8 department at all?

9 A. Not the Albuquerque Police Department,
10 sir.

11 Q. Okay. Then who?

12 A. Bernalillo County Sheriff's Office.

13 Q. Bernalillo County Sheriff's Office. So in
14 2001 you began to work with them, correct?

15 A. Yes.

16 Q. And you told them about what Mr. Cantu had
17 done in the robbery, right?

18 A. Yes.

19 Q. Then Mr. Cantu goes to prison?

20 A. Yes.

21 Q. And you don't? You get probation?

22 A. I stayed in jail for about a year, then I
23 get released.

24 Q. And at that point in time you were -- you
25 already knew that you had committed this murder at

1 the Metropolitan County Detention Center, right?

2 A. Yes.

3 Q. So that's in the back of your mind, right?

4 A. Yes.

5 Q. And so you're out on the streets when
6 you're cooperating with them, though, correct?

7 A. Yes.

8 Q. And they let you out, even though you had
9 this pending aggravated or armed robbery pending,
10 right?

11 A. I was actually sentenced for it by Judge
12 Murdock before I was released.

13 Q. To probation?

14 A. Yes.

15 Q. That's an extraordinarily good plea
16 bargain, wouldn't you say, on an armed robbery?

17 A. It was great.

18 Q. What's that?

19 A. It was great.

20 Q. And that was because you cooperated?

21 A. Most likely, yes.

22 Q. Now, it gets around pretty fast when one
23 defendant goes to prison on a case and the other one
24 gets probation? It gets around in this world that
25 you lived in?

1 A. Yes.

2 Q. And it got around fairly quickly that you
3 were -- at least it was believed that you were an
4 informant, right?

5 A. I guess that's debatable, depending on
6 what circles you're talking about, and who was
7 sympathetic to who I was, and who wasn't.

8 Q. Well, do you recall that when you were
9 working with the Bernalillo County Sheriff's Office,
10 asking to talk to the FBI?

11 A. I don't know, sir. You'd have to show me
12 that.

13 Q. Do you recall being asked about the 2001
14 murder back then? This would have been fresh in
15 your mind? It would have been, oh, less than a year
16 after the 2001 murders?

17 A. Yes, sir.

18 Q. And do you recall what you told the FBI
19 about what happened?

20 A. I don't know if I spoke with the FBI in
21 2001, sir.

22 Q. If I showed you an FBI report, would that
23 refresh your memory?

24 A. Sure.

25 MR. CASTLE: It's 43684, counsel.

1 Q. Mr. Munoz, this is a federal FBI report
2 dated January 22, 2002, concerning an interview that
3 you did with the FBI, with Special Agents?

4 A. Okay. Yes, that's me, sir.

5 Q. And during that interview, you were asked
6 about the murders of who you said was Orlando Garcia
7 a/k/a Looney, and Frank Castillo. Do you see that?

8 A. Yes.

9 Q. And Orlando Garcia is really Rolando
10 Garcia?

11 A. Yes.

12 Q. It's Rolando Garza, actually, the person
13 you said you knew really well throughout your life?

14 A. Yes.

15 Q. But you mis-named him by both his first
16 name and his last name?

17 A. Or that was their --

18 Q. Oh, their mistake?

19 A. Sure.

20 Q. And you told them you had some information
21 about that murder that happened in Southern New
22 Mexico Correctional Facility. Do you see that?

23 A. Yes.

24 Q. Then you tell them that the only --

25 MS. ARMIJO: Your Honor, I'm going to

1 object to hearsay unless it's impeaching. And I
2 wasn't allowed to see whether or not it was
3 impeaching.

4 MR. CASTLE: They have this report, Your
5 Honor. They gave it to us.

6 THE COURT: Well, I know they have the
7 report. Be careful you're not reading or soliciting
8 hearsay. Let me hear the question.

9 BY MR. CASTLE:

10 Q. You've testified today that Mr. Garcia not
11 only told you -- you ordered him to do it, but
12 afterwards he kind of, in a way, admitted that he
13 had committed it, right?

14 A. I didn't order him. I lobbied him.

15 Q. Okay. You lobbied him? That's what
16 you're saying today, right?

17 A. Sure.

18 Q. But in 2002 what you're telling the FBI
19 is, the only information you have about that murder
20 is you heard rumors that Baby Rob carried the hit?

21 A. I don't believe I ever said that to them,
22 sir.

23 Q. Okay. This is a report of your
24 statements, correct?

25 A. Sure. Yeah.

1 Q. Here it is, right? It says that?

2 A. Um-hum.

3 Q. And you're saying that the FBI agent just
4 has it wrong?

5 A. It's quite possible, yes.

6 Q. Now, you talked about -- while we're up
7 here, you've talked about the murder that you
8 participated -- you said you took responsibility for
9 the murder of Felix Martinez, Animal? Do you recall
10 that?

11 A. Yes.

12 Q. Well, and you admitted you did that,
13 right?

14 A. Yes.

15 Q. Well, in 2002 you were actually talking to
16 the FBI and asking them if, you know, if you
17 cooperated whether your charges could be dismissed
18 and you could be relocated to another state in
19 exchange for cooperation with the federal
20 government? Do you see that?

21 A. Yes.

22 Q. And what you told them there was,
23 concerning the Felix Martinez murder, was something
24 very different than what you told us today? And
25 that is that you said, "The hit on Mr. Martinez came

1 from Milan and was carried through by three
2 individuals. One individual held Martinez down
3 while the other two strangled him. Munoz did not
4 witness this murder, but heard rumors"?

5 A. Yes.

6 Q. So in 2002, you wanted your freedom in
7 return for blaming other people for the murder you
8 committed?

9 A. That entire paragraph is accurate except
10 for my involvement in it, yes.

11 Q. Well, the question was: In 2002, you were
12 willing and wanted to get your freedom?

13 A. Yes.

14 Q. And move to another state, get out of your
15 felony, get your felony dismissed, and what you were
16 willing to do in return for that is blame an
17 innocent person for the murder you committed?

18 A. I was blaming my co-defendants. I just
19 was not admitting my involvement in it.

20 Q. Okay. So that's an instance, would you
21 agree, where you didn't take responsibility?

22 A. Yes.

23 Q. And, in fact, you were trying to shift the
24 responsibility and get your freedom out of it?

25 A. Yes.

1 Q. And also in 2002, you told the FBI that
2 you have already been burned and are on the outs
3 with the gang? Do you recall telling them that?

4 A. Yes.

5 Q. Okay. So this is 2002. I think some of
6 the statements that you said some of the defendants
7 made to you was after 2002, right?

8 A. Can you be more specific?

9 Q. Well --

10 A. I've seen so many statements.

11 Q. I represent Billy Garcia, so I only pay
12 attention to what you said about him. Okay? We'll
13 move on.

14 Now, the cooperation that you had with the
15 Bernalillo County Sheriff's Department allowed you
16 to avoid another charge altogether. Do you recall
17 that?

18 A. I don't know what that means, but what
19 charge?

20 Q. If I told you a little bit about the
21 facts, would it refresh your memory?

22 A. Yeah, sure.

23 MS. ARMIJO: Your Honor, I'm going to
24 object at this point, especially if he wasn't
25 convicted or charged.

1 MR. CASTLE: It's the benefit he received,
2 Your Honor, in return for cooperation.

3 THE COURT: Well, he says doesn't know, so
4 let me let Mr. Castle refresh, then we'll hear his
5 question, then I'll decide whether the question is
6 appropriate. Overruled.

7 BY MR. CASTLE

8 Q. In regard to the Goodwill robbery, you
9 weren't arrested immediately that day, were you?

10 A. I was on the run, and I was arrested by a
11 repeat offender task force that's tasked with
12 finding fugitives.

13 Q. But it wasn't the same day; it was a few
14 weeks after?

15 A. Yes.

16 Q. And when you were arrested and pulled
17 over, do you recall that you pointed your pistol at
18 a police officer?

19 A. Yes.

20 Q. And you were never charged with that?

21 A. I believe it was in the charges, sir.

22 Q. Well, you think you pled guilty to that?

23 A. I didn't plead guilty to it, no.

24 Q. Okay. In fact, I think you're right. You
25 were charged with aggravated assault on that, right?

1 A. Yes. The officer's name was Rockheart.

2 Q. And you got away with that because of this
3 cooperation that we're talking about that you had
4 back in 2002?

5 A. Yes. Those charges were dismissed.

6 Q. And when you were arrested for that, they
7 interviewed you. Do you recall that?

8 A. Who is "they," sir?

9 Q. The police.

10 A. Yes.

11 Q. And in regard to the Goodwill robbery, you
12 just said, "I was in the wrong place at the wrong
13 time"?

14 MS. ARMIJO: Objection; hearsay. And,
15 Your Honor, this is clearly going into your ruling
16 on 609.

17 MR. CASTLE: This is different, I think,
18 Your Honor. If I could, this is a character trait
19 of denying guilt and blaming others when you're
20 facing charges.

21 THE COURT: Well, sustained. I think we
22 are going into the circumstances of the charges that
23 were the subject of a conviction. Sustained.

24 BY MR. CASTLE:

25 Q. In any event, you didn't take

1 responsibility in court for that event with the
2 police officer, correct?

3 A. No.

4 Q. And what you worked out with the
5 Bernalillo County Sheriff's Office was a quid pro
6 quo -- I think those are your words -- that they'd
7 release you, and you'd do the work that Detective
8 Martinez wanted you to do; is that right?

9 A. Yes.

10 Q. And what he wanted you -- the reason you
11 knew Detective Martinez was because he had a close
12 association with Angel Munoz? Do you recall that?

13 A. I don't believe so, sir. I believe he
14 discovered Angel Munoz through me, or he discovered
15 Angel was involved in certain behavior because of
16 me.

17 Q. Okay. He asked you about --

18 MS. ARMIJO: Objection; hearsay.

19 MR. CASTLE: That's correct.

20 Q. You were clandestinely working for
21 Detective Martinez while still kind of living the
22 SNM life, right?

23 A. Yes.

24 Q. You were living a dual life?

25 A. Absolutely.

1 Q. As kind of a dual agent?

2 A. Yes, sir.

3 Q. Murdering people for the SNM, while
4 working for the police department, right?

5 A. Yes, sir.

6 Q. But you weren't telling the police
7 department or the sheriff's office about your crimes,
8 right? You were getting away with those?

9 A. I asked, if I was in a position where I
10 had to defend my life, I'm going to do what I have
11 to do. They said, "Do what you need to do, but try
12 not to get involved in those kinds of events."

13 Q. We're not talking about defending your
14 life when you walk in a barber shop and blow a
15 person away, right?

16 A. Well, it was a confrontation. It was
17 warfare. My understanding in that scenario, if I
18 don't kill them, I'm going to get killed. Sure.

19 Q. Okay. So if there is a confrontation,
20 even though the other person is unarmed, you feel
21 that it's justified to kill that human being?

22 A. Like I say, sir, I was a hypocrite. But I
23 was still representing the gang, yes.

24 Q. And you think that was authorized by the
25 Bernalillo County Sheriff's Office?

1 A. Most certainly it wasn't.

2 Q. You never told them about what you were
3 doing on the outside, some of these crimes that
4 you're talking about, right?

5 A. No.

6 Q. What you did do when you were cooperating
7 with Detective Martinez was that you provided
8 information on some of your enemies?

9 A. On whoever he asked me to.

10 Q. Well, they often were your enemies, people
11 you wanted out of the way?

12 A. I don't know if that's fair, sir.

13 Q. Well, were you or were you not?

14 A. I mean, he would ask me to give them
15 information on a particular member. I would go out
16 and do my best to get it.

17 Q. Were any of those your enemies?

18 A. It's quite possible, sure.

19 Q. I just wanted take make sure that we have
20 this right about that report we're talking about,
21 January 22, 2002. I think you said that some of it
22 might be inaccurate?

23 A. Sure.

24 Q. This is an interview with a number of
25 people that were there with you?

1 A. I referred to terminology, sir.

2 Q. Do you recall if there were a number of
3 people there at that interview?

4 A. There was quite a few. I met with
5 multiple law enforcement task forces throughout my
6 --

7 Q. What we're talking about is the 2002 one.
8 This is the first time that you ever talked to the
9 FBI, right?

10 A. I guess so, yeah.

11 Q. Okay. And present were STG coordinators
12 Joe Romero and Leroy Pino?

13 A. That's what I'm trying to do, is remember
14 the venue. Because there were different law
15 enforcement representatives from different agencies
16 comprising a task force.

17 Q. Well, you would have been interviewed at
18 the Central New Mexico Correctional Facility?

19 A. I was transported from there to the FBI
20 building in Albuquerque.

21 Q. So you recall this interview?

22 A. Yes.

23 Q. Okay. So all we're trying to get at is
24 who was present. It wasn't just the FBI, but they
25 also had STG coordinators from the Department of

1 Corrections, right?

2 A. Yes.

3 Q. And there was also task force officers for
4 the gang task force. Do you recall that?

5 A. Yes.

6 Q. And then it looks like two different FBI
7 agents, Jennifer Sparks and Daniel Howington. Do you
8 recall that?

9 A. They might have been there. But I don't
10 know those names personally.

11 Q. It's been a long time, right. In any
12 event, they wanted to know what you could provide in
13 terms of information about the SNM?

14 A. Right.

15 Q. And once again, when it came to the 2002
16 murders, you didn't tell them that you had any
17 information on Billy Garcia, correct?

18 A. I'm not sure. I might have withheld that,
19 yes.

20 Q. Well, do you want to look at the report
21 again?

22 A. No, sir.

23 Q. Well, you're saying you withheld; but what
24 you told the FBI is you only heard rumors about what
25 happened?

1 A. I might have been obfuscating and
2 equivocating. Yeah, that's right.

3 Q. Well, you weren't present at the Southern
4 New Mexico Correctional Facility at the time, right?

5 A. No, sir.

6 Q. Not at the time. I'm sorry. At the time
7 of the murders; is that right?

8 A. No, sir.

9 Q. Now, I think you've claimed today that
10 you've had kind of two events with Mr. Garcia, both
11 in the same pod, but one happened before he left for
12 Southern and one when he came back, right?

13 A. Yes.

14 Q. And so where did these occur again?

15 A. We lived together, so we would see each
16 other in the yard. We would discuss things outside.
17 We lived on the same tier.

18 Q. You lived in the same tier at the time of
19 both the conversations, okay. On January -- we'll
20 come back to that in a minute.

21 So after the Goodwill robbery and you get
22 the suspended probationary sentence, was there a
23 crime that you committed that revoked that sentence
24 and put you back in the prison until this day?

25 A. That would be the barber shop murder, sir.

1 Q. Okay. There was the barber shop murder
2 and there was the '98 murders they caught you for
3 after that, right?

4 A. Yes.

5 Q. And when you went in and pled guilty on
6 the barber shop murder, right, there was a death
7 penalty here in New Mexico, right?

8 A. I believe there was.

9 Q. And one of the advantages of that plea
10 bargain that you reached was that you avoided the
11 death penalty?

12 A. Sure. I don't know if the DA was ever
13 seeking the death penalty, sir.

14 Q. Well, you took a life sentence?

15 A. Yes.

16 Q. And I think you said it was a nolo
17 contendere plea, right?

18 A. No contest.

19 Q. That's where you don't have to admit your
20 guilt, right?

21 A. Yes.

22 Q. So you didn't take responsibility for that
23 crime at that time, right?

24 A. Not at that moment in time, sir.

25 Q. Now, your decision to get into the SNM was

1 actually kind of a family decision, wasn't it?

2 A. That's my introduction to it, yes.

3 Q. Well, it was Marty Barros, that was
4 like -- what was he?

5 A. He was my girlfriend's uncle, so I
6 considered him my uncle.

7 Q. Okay. And so he was a leader in the SNM?

8 A. Yes.

9 Q. In the 2002 interview, you talked to the
10 FBI about -- you actually told them you had
11 information on your girlfriend's uncle that you
12 could provide, right?

13 A. Quite possibly, yes.

14 Q. I mean, you were so desperate to get out
15 of, I guess, your responsibility --

16 A. That's fair.

17 Q. -- that you were willing to give up
18 information on your girlfriend's uncle?

19 A. Yes.

20 Q. And that was somebody you were very close
21 to?

22 A. Yes. The female or her uncle?

23 Q. Well, that's all right. I think you've
24 already answered the question.

25 And just before we leave that, when you

1 talked to them about the murder of Felix Martinez,
2 you actually told them that one person held him down
3 and two others strangled him, right?

4 A. I don't know if I said that, sir.

5 Q. Do you want to take a look at the report
6 again? You said -- do you recall telling them that
7 you heard rumors that a person by the name of --
8 well, an individual held Martinez down while the
9 other two strangled him; is that right?

10 A. I may have said that.

11 Q. And what I think the truth is, that you're
12 saying now, is that you were the only person who
13 strangled him, right? You were the sole person who
14 strangled him?

15 A. It was my hands that used the sheets to
16 kill him, sir.

17 Q. And then Mr. Lujan; what was his role?

18 A. Just held his wrists down.

19 Q. That's all?

20 A. Yes.

21 Q. Okay. He didn't actually tie the knot
22 around the neck?

23 A. No. That was me.

24 Q. That was you.

25 The person that committed the 2001

1 murders, a person by the name of Baby Rob, I want to
2 ask you a little bit about that. Baby Rob was also
3 someone who was vying for leadership in the SNM at
4 that time, right?

5 A. When I met him, he already was a leader.

6 Q. Okay. And at this time that you were
7 talking to the FBI, in 2002, you were still trying
8 to climb the ranks in the SNM; correct?

9 A. Oh, yeah.

10 Q. So one of the reasons -- the reason you
11 told him -- you tried to point him in the direction
12 of Baby Rob, even though you knew he didn't do it,
13 was because you were trying to eliminate competition
14 again?

15 A. I don't know if that was my motive, sir.

16 Q. Okay. Well, can you tell the jury why --
17 you're saying today Baby Rob had nothing to do with
18 it, right?

19 A. Yes.

20 Q. So why would you blame somebody for a
21 murder that they didn't commit?

22 A. I think at that stage in my life, sir, I
23 was living in a world of -- like I say, many times,
24 which I've stated to the FIB, you know what I mean?
25 Hypocrisy. And I really wanted to go home. I just

1 didn't know how to make the right decisions at that
2 time. I'm not denying that.

3 Q. Yeah, hypocrisy is where you are living --
4 you have a goal of -- maybe a good goal -- you have
5 a good angel on your shoulder and a bad angel on
6 your shoulder, right?

7 A. I guess that's one way to say it.

8 Q. So I'm trying to talk to you about the bad
9 angel. What was the reason -- what was the bad
10 reason that you were trying to blame another person,
11 who you'd sworn loyalty to in the SNM, for a murder
12 they didn't commit?

13 A. I think I just wanted to get out at the
14 time.

15 Q. Okay. So now if you actually had
16 information about who committed the murders, you
17 could have given that information and gotten out at
18 the time, right?

19 A. Sure.

20 Q. But you had two goals in that situation.
21 Number one, you wanted to get out, but you also
22 wanted to get rid of one of your rivals?

23 A. And I was also distrustful of the FBI and
24 the APD, and the events of my life at that moment,
25 so I was probably -- I had multiple agendas at that

1 time.

2 Q. Well, you provided information about
3 Corrections officers that you thought were dirty,
4 right?

5 A. It's possible, sure.

6 Q. You told them about a Pat Ortiz that you
7 claim was smuggling drugs into the facility, right?

8 A. Yes.

9 Q. And you told them a bunch of stuff. I
10 don't want to go through it all, but you gave them a
11 lot of information, right?

12 A. Yes.

13 Q. And they told you essentially that they
14 needed to vet that --

15 MS. ARMIJO: Objection; hearsay.

16 MR. CASTLE: It's not for the truth of the
17 matter asserted, Your Honor.

18 THE COURT: Well, what is its purpose,
19 then?

20 MR. CASTLE: Maybe I can ask it a
21 different way.

22 BY MR. CASTLE:

23 Q. They never came back after you provided
24 them that information in 2002, did they?

25 A. I don't believe so.

1 Q. They didn't buy what you were selling?

2 A. I don't know.

3 MS. ARMIJO: Objection; foundation.

4 THE COURT: Well, if he knows that they
5 didn't, if they rejected the information, I'll allow
6 him to testify as to that.

7 A. I don't know, sir.

8 Q. Well, they didn't come back and give you
9 your freedom and dismiss the case against you,
10 right?

11 A. What time? What moment in time was this?

12 Q. In 2002, you asked -- you said that --

13 A. Can you give me the month, though, is what
14 I'm asking.

15 Q. In January of 2002, you were trying to do
16 a quid pro quo, where your charges were dismissed,
17 you'd be relocated to another state in exchange for
18 the information?

19 A. I was released after that, sir.

20 Q. Not by the FBI, right?

21 A. I think the matter had to be adjudicated
22 by the District Attorney in Bernalillo County.

23 Q. The FBI never came back in 2002?

24 A. No, sir.

25 Q. 2003, 2004?

1 A. No.

2 Q. 2005?

3 A. No.

4 Q. And the folks down here in Las Cruces or
5 in the prisons didn't come back to you for more
6 information about the 2001 murders in 2002, 2003,
7 2004, 2005?

8 A. No.

9 Q. Now, this murder of Felix Martinez. He
10 was a good friend of Billy Garcia's right?

11 A. I don't know that.

12 Q. You don't know the relationships?

13 A. No. I know they're from the same street
14 gang.

15 Q. Were you aware that Felix Martinez was an
16 OG?

17 A. Yes.

18 Q. That means an original gangster and one of
19 the original people that formed the gang?

20 A. I don't know that, sir.

21 Q. What do you define OG as?

22 A. Somebody who is very senior, been around
23 quite a long time.

24 Q. And were you aware or did you know that
25 Felix Martinez was the one who brought Billy Garcia

1 into that?

2 A. No.

3 THE COURT: Mr. Castle, would this be a
4 good point for us to take our morning break? All
5 right. We'll be in recess for about 15 minutes.

6 All rise.

7 (The jury left the courtroom.)

8 THE COURT: All right. We'll be in recess
9 for about 15 minutes.

10 (The Court stood in recess.)

11 THE COURT: All right. We'll go back on
12 the record. I think we have all the defendants in
13 the courtroom, the attorneys for each one of the
14 defendants.

15 The jury wanted to send a card to
16 Mr. Moore. They wanted to get one and circulate it.
17 Do you see any problem with that, Ms. Armijo?

18 MS. ARMIJO: No, Your Honor.

19 MR. CASTLE: Would it be appropriate also
20 for the Court and the parties to send him one, to
21 discharge the juror?

22 THE COURT: Yeah. Why don't I pick one up
23 in the morning, and I'll bring it in and circulate
24 it. It might be best if I paid for it and brought
25 it. So I'll stop at Walmart in the morning and get

1 us one and circulate it around. I guess it's good
2 news that they're bonding back there.

3 MR. SINDEL: Good news?

4 THE COURT: You don't think that's good
5 news?

6 MR. SINDEL: I don't know.

7 THE COURT: You don't know? Anything we
8 need to discuss before we bring the jurors in?

9 MR. BLACKBURN: I'm assuming we're
10 breaking early?

11 THE COURT: So if we get the jury in here,
12 we'll go to 11:30, and then y'all can do your food
13 trucks.

14 (A discussion was held off the record.)

15 MS. ARMIJO: Can we ask the jury if they
16 prefer the food trucks?

17 THE COURT: They've already told us on
18 Wednesdays they want food trucks, so we don't have
19 to ask. They're with Mr. Lahann on this one.

20 (A discussion was held off the record.)

21 (The jury entered the courtroom.)

22 THE COURT: All right. Everyone be
23 seated. The answer is "Yes." If y'all want to get
24 a card and circulate and send it to Mr. Moore, that
25 would be fine. I think we're going to do the same

1 thing in the courtroom, and I know that would be
2 appreciated.

3 All right. Mr. Munoz, I'll remind you
4 that you're still under oath. Mr. Castle, if you
5 wish to continue your cross-examination of
6 Mr. Munoz, you may do so at this time.

7 MR. CASTLE: Yes. Thank you, Your Honor.

8 THE COURT: Mr. Castle.

9 BY MR. CASTLE:

10 Q. When we broke, Mr. Munoz, we were talking
11 about the murder of Felix Martinez.

12 A. Yes.

13 Q. The orders that were given to you by Angel
14 Munoz, where were you given those orders?

15 A. At Milan, New Mexico.

16 Q. And Milan is a facility?

17 A. It's a correctional facility, but it holds
18 county jail inmates as well as state prisoners in
19 1998.

20 Q. And was Leonard Lujan at Milan with you at
21 the time that Angel Munoz provided the orders?

22 A. Yes, sir. We were both county jail
23 inmates from Albuquerque.

24 Q. So he ordered the two of you to do it,
25 right?

1 A. Yes.

2 Q. And then he left it up to y'all to figure
3 out details, the means and the methods, right?

4 A. Yes.

5 Q. And that's when you ended up going to the
6 old county jail and committed that murder?

7 A. Yes, sir.

8 Q. And you recruited an extra individual,
9 right?

10 A. Yes.

11 Q. Now, if I'm right, you practiced the
12 murder with your two co-conspirators on a couple of
13 occasions so that you could get all the timing down
14 and to make sure that all the kinks were worked out
15 before you committed the murder, right?

16 A. Yes, sir.

17 Q. And even afterwards, you set up that the
18 plan was to set up a diversion with some African
19 American inmates afterwards?

20 A. Yes.

21 Q. And the -- what happened was that you all
22 started an altercation with these African American
23 inmates so that they'd be suspected of, perhaps,
24 killing Felix Martinez?

25 A. Yes. I wanted to confuse the issue for

1 law enforcement.

2 Q. You wanted them to think perhaps it was
3 the African American inmates that murdered Felix
4 Martinez as a result of this confrontation between
5 the Latino inmates and the African Americans?

6 A. Yes.

7 Q. So once again, your goal was not to take
8 responsibility, but to shift the blame to someone
9 else?

10 A. Yes.

11 Q. You were interviewed on that day, right?

12 A. Yes, sir.

13 Q. And were you honest with them?

14 A. No, sir.

15 Q. What did you tell them?

16 A. I gave them some BS answer and tried to
17 get out as quickly as possible.

18 Q. Now, you talked about -- I believe in
19 2007, you actually took responsibility, right?

20 A. Yes, sir.

21 Q. Between when you committed the murder in
22 '98 and when you pled guilty in 2007, do you recall
23 writing poetry or rap lyrics --

24 A. Sure, yes.

25 Q. -- about that murder?

1 A. Yes, probably, sir. I wrote a lot of
2 poetry in 1998, so I'm pretty sure I wrote about
3 that.

4 Q. And I want to see if you recall one.

5 A. Okay.

6 Q. We're not going to go through all of it,
7 but this is one that was intercepted by the STIU
8 officers that you sent to your mom. Tell me if this
9 is about the Animal murder: "Because I'm kicking
10 that ass, and that's the way it goes, just like the
11 motherfucker who met his death. Can't stand a fence
12 jumper so I took his breath. My name is Playboy,
13 Syndicato forever. I beat a murder rap because I'm
14 so fucking clever."

15 A. Those are my words, sir.

16 Q. And you're talking about the murder of
17 Felix Martinez, right?

18 A. Yes.

19 Q. Because you considered him a fence jumper?

20 A. Yes.

21 Q. Do you know when that was intercepted?

22 A. Had to have been in late 1998. I was at
23 the South unit when I was writing those poems.

24 Q. And even though it was intercepted, you
25 weren't charged in '98, were you?

1 A. No, sir.

2 Q. Let's talk about what got you charged with
3 that in 2007. Okay?

4 A. Okay.

5 Q. Do you recall that on March 1, 2007, a
6 detective from the Albuquerque Police Department
7 came and talked to you at PNM?

8 A. Yes, sir.

9 Q. So you were at PNM in March of 2007;
10 correct?

11 A. Yes.

12 Q. And they showed you a search warrant they
13 had for your DNA?

14 A. Yes.

15 Q. And they told you --

16 MS. ARMIJO: Objection; hearsay.

17 MR. CASTLE: Well, it's not for the truth
18 of the matter. It's to show why he did what he did.

19 THE COURT: I'll allow this question.
20 It's just a "Yes" or "No" question, whether they
21 showed the search warrant. So I'll allow the
22 question and go from there. Overruled.

23 BY MR. CASTLE:

24 Q. I think you already answered, but they
25 showed you a search warrant, right?

1 A. Yes.

2 Q. And they told you they had DNA from the
3 crime scene?

4 THE COURT: Sustained.

5 MR. CASTLE: Your Honor, I'm showing why
6 he confessed.

7 THE COURT: I think you can get that out,
8 why he confessed, without going through what they
9 told him.

10 BY MR. CASTLE:

11 Q. Well, Detective Martinez was investigating
12 the murder of Animal, Felix Martinez, correct?

13 A. I spoke with Rich Lewis, an APD officer,
14 about it.

15 Q. Okay. So it was Rich Lewis. But he was
16 investigating that murder, right?

17 A. Yes, sir.

18 Q. And he said he had a search warrant for
19 your DNA?

20 A. Yes, sir.

21 Q. And you knew at that time you had
22 strangled -- how did you strangle Mr. Martinez
23 exactly?

24 A. With a bed sheet, sir.

25 Q. Okay. And your hands are on the bed

1 sheet?

2 A. Yes, sir.

3 Q. Did you come in contact with Mr. Martinez?

4 A. Yes, sir.

5 Q. You were probably -- during the struggle,
6 you were sweating?

7 A. I know my DNA was on it.

8 Q. So before you ever made any admissions to
9 it, when they came and got your DNA, you kind of
10 knew what was going to come down the line, right?

11 A. Yes.

12 Q. And it was at that time you cut a deal
13 with the police, right?

14 A. They presented an offer and I accepted it,
15 sir.

16 Q. Okay. And so what the deal was -- let me
17 perhaps back up a little. You had already been
18 convicted on the 2003 Contreras murder, right?

19 A. Yes, sir.

20 Q. So you were already doing a life sentence?

21 A. Yes, sir.

22 Q. And the deal you worked out was, for the
23 Animal murder, that it would be a concurrent deal
24 with the Contreras murder?

25 A. Yes, sir.

1 Q. And a concurrent deal means that they run
2 together?

3 A. Yes.

4 Q. And unless there is some "less time
5 served" issues, a concurrent deal results in very
6 little, if any, extra time for you, right?

7 A. Technically, yes.

8 Q. Right. So it was essentially a freebie?

9 A. Yes.

10 Q. So at that point in time after you were
11 given this offer, you jumped on it, right?

12 A. Yes.

13 Q. And that's an awesome offer, right?

14 A. Yes.

15 Q. It's up there with the probation offer you
16 got for doing an armed robbery?

17 A. Yes.

18 Q. So at that point in time you made a
19 statement in return for this deal; correct?

20 A. For the Animal murder?

21 Q. Right.

22 A. Yes.

23 Q. But you weren't honest with them, right?

24 A. I only admitted what I did, sir.

25 Q. In fact, you said that you would only

1 admit your involvement, but not any of your
2 co-conspirators?

3 A. That was the District Attorney's
4 stipulation.

5 Q. They didn't want you to tell them what --
6 who else was involved?

7 A. In the letter I received from the District
8 Attorney's Office through APD Officer Rich Lewis,
9 the District Attorney only required that I admit my
10 involvement. She explicitly said I'm not required
11 to name other --

12 Q. But before that happened, you said that
13 the only way you'd make a statement is if you didn't
14 have to implicate the other people, right?

15 A. I might have said that.

16 Q. In fact, I think you just said it on
17 direct examination, right?

18 So you were trying to kind of protect
19 Leonard Lujan -- well, not trying -- you were
20 protecting Leonard Lujan when you made that
21 statement?

22 A. That's fair.

23 Q. And do you recall when you went in and
24 pled guilty to that?

25 A. You're talking about in the courtroom, the

1 day of?

2 Q. Yes.

3 A. Yes.

4 Q. And you talked to the judge about your
5 opinions on the matter, right?

6 A. Yes.

7 Q. And during that, you told him you wouldn't
8 say who the other participants were?

9 A. I don't know if I refused to answer any
10 direct question like that, sir.

11 Q. Well, do you recall there being newspaper
12 articles that were written right after that about
13 your case and that murder and your plea of guilty
14 and sentencing?

15 A. Right, yes.

16 Q. And that was something you saw right after
17 that, right, was in the newspapers?

18 A. Yeah. I came across it at the
19 penitentiary, yeah.

20 Q. And do you recall that in the newspapers,
21 it said that you pled guilty but refused to
22 implicate anyone else in the crime?

23 A. That was probably the reporter's summary
24 of it, yes. She says "refused," but I was never
25 asked and refused.

1 Q. What you told -- in that interview that
2 you did with the police before you pled guilty, is
3 that you said that you acted alone, and that you
4 designed and calculated the murder of Inmate
5 Martinez; is that right?

6 A. Yes.

7 Q. You said to them that Inmate Martinez put
8 up a hell of a fight while you were strangling him,
9 and how you had to straighten up the cell after the
10 murder?

11 A. Yes.

12 Q. And, of course, didn't implicate anyone
13 else?

14 A. Right.

15 Q. So at that point it shifted from it was
16 African American inmates who did the murder, to just
17 you?

18 A. Yes.

19 Q. Once again, that wasn't true?

20 A. Partially true.

21 Q. Partially true, partially false, right?

22 A. Yes.

23 Q. And that's what you did in an open court?

24 A. Yes.

25 Q. With a judge?

1 A. I was only required to admit my guilt,
2 sir.

3 Q. Okay. And was that a no contest plea?

4 A. It was a guilty plea.

5 Q. Now, by the time you made those
6 admissions, I think you said that you were
7 disillusioned with the SNM?

8 A. Yes.

9 Q. And you'd been disillusioned with them
10 since 2001 -- 2003, I thought you said --

11 A. It was when I began to have a desire to
12 have a stable life with a woman that I really began
13 to question my whole entire existence in the gang.

14 Q. Okay. I want to go back for a moment.
15 Between the time that you did the Felix Martinez and
16 the Contreras murders, it was during that time
17 period that the split between Julian Romero and Styx
18 happened, right?

19 A. It actually occurred before those murders,
20 the 2003 murders, sir.

21 Q. Between the '98 and the 2003 murders?

22 A. Oh, yes. Yes.

23 Q. And so it would have been -- do you
24 recall, around the summer of 2000, that it was that
25 Julian Romero got out of prison and started to live

1 with Styx's wife?

2 A. That's probably accurate, yeah.

3 Q. And one of the things that really set off
4 everything -- and tell me if you recall this -- is
5 that Angel Munoz had a Christmas party in 2000, and
6 Julian Romero showed up with Styx's wife? Do you
7 recall that?

8 A. I don't know that.

9 Q. But it was around that time?

10 A. It was common knowledge what was happening
11 between Julian and Gerald's wife.

12 Q. Right. And people were taking up sides?

13 A. Yes.

14 Q. And one side didn't like the other side?

15 A. Over those circumstances, yes.

16 Q. Right, and to an extent that Styx wanted
17 to kill Julian; correct?

18 A. Yes.

19 Q. And Styx's followers wanted to kill
20 Julian's followers?

21 A. Yes.

22 Q. Now, in March 2003, I think you've
23 indicated that you tried to kill Julian Romero. Do
24 you recall that?

25 A. Yes.

1 Q. But you also shot at Lilly?

2 A. Yes.

3 Q. So that was a woman who did not have a hit
4 order on her, did she?

5 A. She was the woman that created the
6 friction between Gerald and Julian.

7 Q. Okay. So you made a decision to not only
8 kill Julian, but to kill her?

9 A. Yes.

10 Q. And, unfortunately for you, the gun kind
11 of ran out of the bullets before you could kill the
12 two of them, right?

13 A. After I fired the entire clip, we left.

14 Q. You didn't have any more bullets.

15 But they lived, right?

16 A. They lived.

17 Q. And afterwards, who was your -- who is the
18 guy that you said -- your homie that was with you?

19 A. His name was Shamon Pacheco.

20 Q. Do you recall that you and Shamon are
21 leaving from that shooting, right?

22 A. Yes.

23 Q. And you're really pumped up?

24 A. Oh, yes.

25 Q. You were excited?

1 A. Yes.

2 Q. And at that point you decide: I'm on a
3 roll, I'm going to go try to kill Billy Garcia?

4 A. I wanted to find out where we stood.

5 Q. Well, do you recall calling up Billy and
6 trying to get him to meet you someplace?

7 A. Yes.

8 Q. And you were going to kill him, right?

9 A. I was going to shoot him, yes.

10 Q. And Billy was just a little too smart for
11 that and wouldn't meet with you, would he?

12 A. You say "smart." I say he was a coward.

13 Q. Oh, okay. So what kind of gun did you
14 have when you were shooting Romero?

15 A. It was a nine millimeter.

16 Q. And what kind of gun did you pick up to
17 try to kill Billy with, since you had no more
18 bullets left for that one?

19 A. It was the same one.

20 Q. So you had some more bullets somewhere?

21 A. We had extra clips.

22 Q. As far as Lilly was concerned, you
23 actually didn't run out of bullets when you were
24 trying to shoot Julian. He jumped over a wall,
25 right?

1 A. Yes. So I finished the clip by shooting
2 the remainder of the bullets at Lilly.

3 Q. At this point in time, she ran over
4 towards the house?

5 A. No, she stayed in the car the whole time.

6 Q. Well, do you recall that their child was
7 at the house?

8 A. I believe their oldest son was answering
9 the front door when he heard the shooting.

10 Q. Okay. And bullets were fired at him, at
11 the house, too?

12 A. We shot at him, yes.

13 Q. Was that part of the hits, was to kill the
14 kid?

15 A. No, sir.

16 Q. You've written about that, that murder, as
17 well, right?

18 A. What murder?

19 Q. No, no, the attempted murder of Julian,
20 Lilly, and their child?

21 A. Yes.

22 Q. And you're kind of proud of what happened
23 there, right?

24 A. Yes. I was at that time, yeah.

25 Q. At the time you wrote about it?

1 A. Yes.

2 Q. And that was to the FBI, you wrote this
3 letter about it, right?

4 A. Yeah.

5 Q. When was that?

6 A. If it's my statement that you're saying
7 this comes from, I believe that was in 2016, maybe.

8 Q. Does it sound like it might have been
9 December 24, 2015?

10 A. Yes.

11 Q. And so at that point you were still proud
12 of what you had done, right?

13 A. Not proud of it, but I did it.

14 Q. Yeah. And that would have been Christmas
15 Eve, 2015. You took that sacred moment to write how
16 proud you were that you shot at Julian Romero, his
17 wife, and his kid?

18 A. When I did the shooting, sir, I was proud
19 of it.

20 Q. Now, you weren't always honest about that
21 shooting either, were you?

22 A. No, sir.

23 Q. In fact, the day after the shooting
24 happened, your probation officer had heard about
25 this shooting and confronted you about it, right?

1 A. Yes, sir.

2 Q. And you were dishonest with him?

3 A. Yes.

4 Q. Going back to the Contreras murder for
5 just a minute, who did you say was with you at that
6 murder?

7 A. It was myself; Ronnie Mendoza; my
8 then-girlfriend, Bernadette Elwell; and Ronald -- I
9 mean Ronnie Mendoza's girlfriend, Marissa.

10 Q. After that murder, the police went to talk
11 to you, too. Do you recall that they arrested you?

12 A. They arrested me that night, sir.

13 Q. And interviewed you?

14 A. Yes.

15 Q. And you blamed it on your homie that you
16 were with?

17 A. Yes.

18 Q. Instead of taking responsibility yourself?

19 A. Yes.

20 Q. As far as the attempted murder of Julian
21 and his family, we talked about you talking with the
22 probation officer. When you talked to the probation
23 officer, did you also try to blame Shamon, perhaps,
24 for doing that?

25 A. No, sir.

1 Q. Well, didn't you bring up Shamon's name
2 with the probation officer?

3 A. I'm not sure if I did or not, sir.

4 Q. As far as trying to kill Billy Garcia, you
5 were trying to lure him to a meeting with you,
6 right?

7 A. I asked him if we could meet.

8 Q. Well, you were luring him to a location so
9 you could murder him, right?

10 A. I offered battle, yes.

11 Q. But what you told him was something
12 different. Do you recall what you told him?

13 A. I tried to talk to him. He didn't want to
14 talk to me.

15 Q. Well, what you told him was, "Hey, I just
16 heard that Julian and his family, someone shot up
17 Julian and his family, and I'm here for you, man.
18 I'm here out of concern for you. I'd like to get
19 together with you."

20 You wanted to console him?

21 A. I don't believe I told him that.

22 Q. Do you recall being interviewed on
23 February 2nd of 2015?

24 A. By the federal agents, maybe.

25 Q. Yes. Do you recall that?

1 A. Yes.

2 Q. Then you also did that follow-up letter on
3 Christmas Eve, right?

4 A. Yes.

5 Q. What you wrote about that is a little
6 different than what you've testified about today.
7 What you wrote was, "We got on the freeway" -- you
8 and Shamon -- "and headed due east. I decided right
9 then and there to kill Wild Bill. I called his
10 cellphone. It was disconnected. I called his
11 nephew. I told his nephew, 'Where the fuck is your
12 uncle?' I told him to call that fat fuck to call
13 me."

14 You're talking about Billy Garcia, right?

15 A. Yes.

16 Q. "I told Shamon that I'd decided to murder
17 Wild Bill's fat ass too."

18 A. Yes.

19 Q. Wild Bill called you?

20 A. Yes.

21 Q. You asked him his location?

22 A. Yes.

23 Q. He said -- well, I'm not going to get into
24 what he said because that's hearsay, what Mr. Garcia
25 said. But you told him --

1 MS. ARMIJO: Your Honor, I'm going to
2 object. He's not reading the complete statement.
3 And it is hearsay.

4 THE COURT: Well, I think some of it is
5 impeachment, and some is not. Don't read such long
6 passages. Let's take a question at a time and give
7 Ms. Armijo an opportunity to object.

8 MS. ARMIJO: And if we could also have the
9 Bates number?

10 MR. CASTLE: 43767.

11 THE COURT: If it's for impeachment, let's
12 try to peg it to something that Mr. Munoz has said.

13 BY MR. CASTLE:

14 Q. Well, you specifically told Mr. Garcia,
15 "Let's meet right now so we can sort all this shit
16 out in person." Right?

17 A. Yes.

18 MS. ARMIJO: And, Your Honor, I'm going to
19 object. That's clearly not impeachment.

20 THE COURT: I think it is. Overruled.

21 Q. A month after the attempted murder on
22 Julian and the attempted setup murder of Billy
23 Garcia, that was when you did the Contreras murder,
24 right?

25 A. Yes.

1 Q. And you had used the same gun, right, kept
2 the same gun?

3 A. Yes.

4 Q. And, again, you've written about that
5 murder as well in your Christmas Eve letter to the
6 FBI?

7 A. Right.

8 Q. Do you recall? And, again, you were very
9 proud of that murder you did, in that letter? Do
10 you recall?

11 A. Yes.

12 Q. And the thing that you were really upset
13 about after that murder -- you were upset a little
14 bit after that murder, right? Do you recall?

15 A. Yes.

16 Q. And what you were upset about was that
17 some of the bullets had damaged your car?

18 A. Yes.

19 Q. And then you had to get rid of that car?

20 A. Yes.

21 Q. And that was when you told the police that
22 your good friend --

23 MS. ARMIJO: Objection; hearsay.

24 THE COURT: Well, if you want me to, I'll
25 have to figure out what the statement is before I

1 can make that determination.

2 Q. And that was when you told the police that
3 your good friend Shamon --

4 THE COURT: Why don't you approach, and
5 let me see the statement. I don't know what it is.
6 I can't make a determination.

7 (The following proceedings were held at
8 the bench.)

9 MR. CASTLE: You guys have this. This is
10 not Bates stamped. Your Honor, this is a report of
11 the Bernalillo County Sheriff's Department, their
12 interview of Mr. Munoz after the shooting. It was
13 on exactly the same day. And what their report says
14 is highlighted in yellow, about what Mr. Munoz's
15 statement is.

16 MR. ARMIJO: What is the Bates No.?
17 Because I don't have that.

18 MR. CASTLE: I can give that one to you.

19 THE COURT: But aren't you offering that
20 for the truth?

21 MR. CASTLE: No. It's not the truth. In
22 fact, he didn't lend his car to his friend Shamon.
23 He had his car, and he did the shooting. This is
24 not a true statement. This is not a true statement.

25 THE COURT: Well, he hasn't testified

1 about this yet, has he?

2 MR. CASTLE: He has testified about it on
3 direct. He talked about the Contreras shooting at
4 the barber shop.

5 THE COURT: Well, I know, but he hasn't
6 talked about this car and stuff. So it's not being
7 offered to impeach yet, because he hasn't denied it
8 at this time.

9 MR. CASTLE: No, I'm not offering it for
10 the truth. I'm offering it to show he was dishonest
11 with the police and blamed his best friend for that
12 murder. That's what I'm trying to do.

13 MR. ARMIJO: He already admitted that. He
14 was asked questions about it and said that he did
15 try to blame Shamon. So it's not --

16 MR. CASTLE: He did?

17 MR. ARMIJO: Yeah.

18 MR. CASTLE: I stand corrected, Your
19 Honor, if that's already been admitted to by the
20 witness. I accept your -- does anyone else remember
21 that?

22 MR. BURKE: What's that?

23 MR. CASTLE: That he admitted that he
24 blamed Shamon for the murder of Contreras.

25 MR. ARMIJO: You said, "Did you try and

1 blame your friend?"

2 MR. CASTLE: I may have done that, Your
3 Honor. She's refreshing my recollection, so I think
4 I've already gotten there.

5 THE COURT: All right.

6 (The following proceedings were held in
7 open court.)

8 THE COURT: Mr. Castle.

9 BY MR. CASTLE:

10 Q. You have talked earlier about why you left
11 the SNM?

12 A. Yes.

13 Q. And that it was the incident where they
14 were working on a truce while you were shooting
15 Contreras that caused disillusionment, right?

16 A. Among others, yeah. Yes.

17 Q. And you indicated earlier, when I asked
18 you that one of the reasons -- or you denied that
19 one of the reasons that you left the SNM was because
20 you expected that when Gerald Archuleta left the
21 prison, that you would be left in charge. You're
22 denying that, right?

23 A. I was arguing about the timing, sir, years
24 ago when I said that or believed that.

25 Q. Well, in 2006, when Gerald Archuleta got

1 out of jail, you expected that you would be the one
2 that would be appointed, anointed the new leader;
3 correct?

4 A. I don't know if I expected that.

5 Q. Well, you told the FBI on December 2,
6 2015, interview at page 2462 of Baca, that
7 approximately in 2006 when Gerald Archuleta was
8 discharged that you expected to be left in charge.
9 Do you recall telling them that?

10 A. I may have said that. I think I meant in
11 the late '90s, sir, when he was released.

12 Q. Let me show you the report if I can. I
13 think I showed you this report earlier, Mr. Munoz.
14 It's the December 2, 2015, interview with Agent Acee
15 and Officer Mark Myers. And I want you to read this
16 section where you're talking about what led to your
17 disillusionment with the SNM, and specifically this
18 section I'm pointing to. Right?

19 A. "He just" --

20 Q. I apologize. Read it to yourself.

21 A. Yeah, I remember.

22 Q. So when questioned about your
23 disillusionment with the SNM, you told them about
24 two things. One, this thing about them doing a
25 truce with the Los Carnales. And the second was

1 that you expected in 2006, when Gerald Archuleta was
2 discharged, that you'd be left in charge?

3 A. Yes, that's what it said on the thing.

4 Q. And that's when you decided you were going
5 to split from the SNM?

6 A. Yes.

7 Q. And you did it kind of very publicly; is
8 that right?

9 A. Yes.

10 Q. You went on TV, on a special on -- I think
11 it was MSNBC?

12 A. Yes, sir.

13 Q. And what you did there is, you told them
14 you left the SNM, right?

15 A. Yes.

16 Q. But your main complaint was your prison
17 conditions?

18 A. Yes.

19 Q. So your request was to kind of publicize
20 how poorly you were being treated?

21 A. I think the show was following us around
22 for a week, letting us tell our story, whatever that
23 story was. So I was free to discuss whatever
24 subject matter I wanted to.

25 Q. Now, prior to that and prior to Styx

1 leaving the facility and you not being left in
2 charge, you were living at PNM, right?

3 A. Yes.

4 Q. And you were in the 2-A J pod, I think is
5 what it was?

6 A. I was living in the housing unit for a
7 time, yes.

8 Q. And that pod had several people that were
9 loyal to Styx? Do you recall that?

10 A. I don't know if it was J pod, sir, but it
11 was probably O pod in the same housing unit.

12 Q. Okay. In any event, it was a pod there
13 with SNM individuals, right?

14 A. Yes.

15 Q. And many who were loyal to Styx, and not
16 to Julian Romero?

17 A. I'd have to know who was there, but he had
18 quite a lot of loyalists, sir.

19 Q. Do you recall that the people that were
20 there with you at that time were Leroy Lucero,
21 Shamon Pacheco, Johnny Garcia, Ben Clark?

22 A. That was in 1998, sir.

23 Q. Oh, okay.

24 A. You're talking about another moment in
25 time at the 2-A J pod, South unit.

1 Q. That would have been after '98?

2 A. That was in 1998, in the fall of 1998,
3 after I returned to the Department of Corrections.

4 Q. Would that have been when Leroy Lucero was
5 on kind of a tabla for Angel Munoz?

6 A. Leroy was subordinate to me in 1998, sir.

7 Q. What was your reputation as an SNM member?
8 What was your particular --

9 A. I was known as somebody who would do dirt.
10 I would put in work for the gang.

11 Q. Well, I think your reputation was as a
12 killer, right?

13 A. Yes.

14 Q. Now, when you debriefed, you haven't told
15 the FBI every piece of work you did for the SNM,
16 have you?

17 A. I relayed my story the best I remember it,
18 sir, all of the violence I did on behalf of the
19 gang, yes.

20 Q. You can't remember all of it, though?

21 A. I'm pretty sure I remember quite a bit of
22 it.

23 Q. You strangled people?

24 A. Yes.

25 Q. Stabbed people?

1 A. I never stabbed anybody.

2 Q. Never stabbed anybody. Shot people?

3 A. Yes.

4 Q. I think -- well, you liked Styx, Styx's
5 brand of politics?

6 A. Yes.

7 Q. Over some of the older people like Billy
8 Garcia, Julian Romero, right?

9 A. That's fair, yes.

10 Q. And the reason you liked it is because
11 that with Styx, he ran his portion of the SNM like a
12 general, right?

13 A. Yes.

14 Q. He wasn't like the others, where he might
15 just be getting high?

16 A. Yes.

17 Q. He was more into the violence?

18 A. Yes.

19 Q. And he wasn't just one of those -- I think
20 you've written about it, saying he wasn't one of
21 those gun-shy politicians?

22 A. Right.

23 Q. Now, was there a point in time where Angel
24 Munoz went back into the facility, maybe in 2002,
25 that time period?

1 A. "Facility" meaning the jail, county jail?

2 Q. Or prisons. Incarcerated.

3 A. Yes.

4 Q. And do you recall attending a meeting with
5 him and Styx Archuleta?

6 A. That's quite possible, yes.

7 Q. And it was -- the meeting was to select a
8 successor to head the entire SNM?

9 A. That would have been in the late '90s,
10 sir, at the North unit.

11 Q. Okay. So at that point, were you
12 nominated?

13 A. Yes, by Gerald Archuleta.

14 Q. Did you become the top dog?

15 A. I became a very senior member, yes.

16 Q. And I believe you've written at that point
17 in time Angel loved you and Styx above all else?

18 A. Yes.

19 Q. Now, you talked about going back to the
20 MDC, the Metropolitan Detention Center, right?

21 A. Yes.

22 Q. Were you in there -- I believe you were in
23 there the same time as Gerald Archuleta?

24 A. Yes. We didn't live in the same housing
25 unit.

1 Q. Right.

2 A. But we were in the facility at the same
3 time, yes.

4 Q. They wouldn't let you live in the same
5 housing, right?

6 A. Yeah, they prevented us from living
7 together.

8 Q. Because you were a murderous duo? I think
9 that's what you've written.

10 A. Yes. They knew our relationship.

11 Q. And you said that you and Styx were the
12 driving force behind virtually all of the internal
13 SNM bloodshed from '98 to 2000?

14 A. Yes.

15 Q. '98 to 2007?

16 A. Yes.

17 Q. There were others that were participants
18 in that campaign, but it was your campaign of
19 violence, yours and Styx's campaign of violence?

20 A. Yes.

21 Q. As far as the violence that you've
22 committed for the SNM, I only want to talk about it
23 if it's for the SNM. Do you recall being ordered by
24 Angel Munoz and Gerald Archuleta in 1998 to murder
25 Leroy Torres?

1 A. Yes, sir.

2 Q. You didn't commit that, right?

3 A. No, sir.

4 Q. But you organized a team to do that
5 murder, right?

6 A. Yes.

7 Q. And that team was Benjamin Clark, Leroy
8 Lucero, and Manuel Chavez?

9 A. Yes, sir.

10 Q. But I guess unfortunate for you all, but
11 fortunate for Mr. Torres, he survived, right?

12 A. Yes.

13 Q. And you were also involved in the decision
14 and carrying out of a murder that was supposed to
15 happen against a person by the name of Manuel
16 Maldonado, right?

17 A. Yes, sir.

18 Q. And one of the things that Mr. Torres and
19 Mr. Maldonado had in common is, they were both kind
20 of a splinter -- they were part of a group that was
21 different than the Styx group, right?

22 A. Yes.

23 Q. And so in addition to -- you've talked
24 about the attempts to kill some of the Julian Romero
25 people, and Julian Romero himself, but you also were

1 part of the Styx group that was trying to murder
2 this Maldonado-Torres group, right?

3 A. Yes.

4 Q. As far as work for the SNM in 2001 when
5 you were released from prison, did you commit
6 numerous armed robberies of drug dealers,
7 Muslim-owned gas stations?

8 A. Yes, sir.

9 Q. Things of that nature, right?

10 A. Yes.

11 Q. They haven't made you admit to that as
12 part of your plea bargain.

13 A. No, sir.

14 Q. And you haven't been held responsible for
15 that?

16 A. No, sir.

17 Q. The Metropolitan Detention Center you were
18 at, while you were there, you ordered a couple more
19 individuals, by the names of Billy Baca and Julian
20 Moore, to kill another person by the name of Joe
21 Gordon, right?

22 A. Yes.

23 Q. And that's because Joe Gordon had talked
24 some smack about you?

25 A. Yes.

1 Q. So for that, he was to die?

2 A. He aligned himself with Julian Romero. So
3 for that, he was to die.

4 Q. One of the ways you can get the
5 opportunity to kill someone right in the prison is
6 to try to get them moved closer to the people you
7 want to kill them, right?

8 A. Yes.

9 Q. And if there is a way that you can maybe
10 manipulate the guards and the Corrections officers
11 to get someone moved into a unit where they can be
12 murdered, that's a common tactic, right?

13 A. It facilitates it, yes.

14 Q. And that includes a rival within the SNM?

15 A. With the same objective, you mean?

16 Q. Right.

17 A. Yes.

18 Q. And there are many ways to do that, right,
19 to get someone moved?

20 A. Yes.

21 Q. One of them is to drop some information
22 about them that might get them moved to a different
23 unit, right?

24 A. Yes.

25 Q. And that doesn't have to be true?

1 A. Yes.

2 Q. It can just be false?

3 A. Right.

4 Q. You can blame them for something they
5 didn't do, so that they go in with the killers and
6 get killed, right?

7 A. Yes.

8 Q. And getting someone to go somewhere, to be
9 moved somewhere so they could be killed, is
10 something you've done in your career, right?

11 A. You would have to be more specific about
12 that.

13 Q. Okay. You did it with Billy Garcia? You
14 tried to get him to move from wherever he was
15 staying, to a place where you could ambush him and
16 murder him?

17 A. You're referring to the night that I shot
18 Julian Romero?

19 Q. Yeah.

20 A. Yes.

21 Q. Do you know an SNM member by the name of
22 Popeye?

23 A. Yes, I do.

24 Q. And do you recall ordering his murder?

25 A. Yes.

1 Q. And that was because he assaulted you,
2 right?

3 A. Yes.

4 Q. And once again, Popeye was associated with
5 Julian Romero?

6 A. Yes.

7 Q. Now, you know that we have all the
8 information on you from the prison records and the
9 internal files and things like that, right?

10 A. Yes, sir.

11 Q. And in preparation for today, were you
12 shown those things so you'd know what you were going
13 to be questioned about and would have to admit?

14 A. I don't know what you mean, sir. It was
15 all part of discovery information. Like my pen pack
16 and that sort of thing was on the tablet.

17 Q. Sure. And as part of your deal here, you
18 have to admit those things?

19 A. Yes, sir.

20 Q. Okay. Now let's talk about the first time
21 that you talked to the FBI after 2002. Okay?

22 A. Okay.

23 Q. So this would have been after you went
24 forward on the TV show, right, and told them a bunch
25 of things?

1 A. Right.

2 Q. You actually sat down with the FBI in
3 2009. Do you recall that?

4 A. Yes.

5 Q. Do you recall that was with an FBI agent
6 by the name of Sonya Chavez?

7 A. Yes, sir.

8 Q. And that's something you know of right
9 now, right? You know Sonya Chavez?

10 A. Yes, sir.

11 Q. And she's now the US Marshal?

12 A. Yes, sir.

13 Q. And that's somebody that you are hoping
14 will speak on your behalf when it comes time to try
15 to get a reduction?

16 A. I don't know if I'm getting my sentence
17 reduced, sir.

18 Q. Well, during that interview -- do you
19 recall it was a pretty lengthy interview that Sonya
20 Chavez had with you, with some other people,
21 including Rich Lewis?

22 A. Yes, sir.

23 Q. And during that interview, they talked to
24 you all about the SNM. Do you recall that?

25 A. Yes.

1 Q. And they talked to you about different
2 crimes that you were aware of?

3 A. Yes.

4 Q. They never cut you off, right?

5 A. What do you mean, cut me off?

6 Q. They didn't say, "Look, okay, we've got to
7 get going. Wrap it up"?

8 A. No, sir.

9 Q. They let you speak about all kinds of
10 murders, including the ones that you talked about or
11 you committed?

12 A. We talked about my own personal murders,
13 yes.

14 Q. And they even covered the year 2001. Do
15 you recall?

16 A. It's quite possible, sir.

17 Q. Well, do you recall that in all that huge
18 interview you did, you never told them you either
19 had knowledge about the 2001 murders of Rolando
20 Garza or Frank Castillo, did you?

21 A. I don't believe we got into any of those
22 murders, except for my own stuff, sir.

23 Q. Oh, let's talk about that. You talked to
24 them about crimes committed by the Los Carnales?

25 A. Right.

1 Q. SNM?

2 A. Right.

3 Q. You talked about murders that you were not
4 part of. Do you want to see the report?

5 A. Yes, please.

6 Q. Do you see you talk about assaults
7 committed by Robert Martinez?

8 A. Yes.

9 Q. Okay. That's not you, right?

10 A. No, sir.

11 Q. That's one example.

12 A. That's not a murder, sir.

13 Q. Okay. Sorry. You talk about Leonard
14 Lujan, right?

15 A. Yes, sir.

16 Q. You talk about different murders that you
17 committed, right?

18 A. Yes.

19 Q. You talk about the year 2001. They're
20 talking to you about that, right? When you went
21 back home, when you returned to prison, things of
22 that nature, right?

23 A. Yes.

24 Q. And this is what? Ten pages?

25 A. Yes.

1 Q. Nowhere in that interview did you ever say
2 you had any information about the 2001 murders at
3 Southern New Mexico Correctional Facility, right?

4 A. No, sir, we didn't get into any of that.

5 Q. And you didn't say, "Guess what? I have
6 information on Billy Garcia, where I told him to do
7 the murder, or I lobbied for it"? Right.

8 A. No, sir.

9 Q. And you said just a few minutes ago that
10 you were trying to tell them about all the murders
11 that you were part of, right?

12 A. I was supposed to meet with them again,
13 and we never got into any of that stuff, sir.

14 Q. So among all the murders that you said you
15 were involved in, you never mentioned, "Hey, I
16 lobbied for these 2001 murders to happen with Billy
17 Garcia"?

18 A. Like I said, sir, we were scheduled for
19 another meeting, but the facility Warden didn't --

20 Q. I'm not asking you about that. In this
21 entire interview, you don't say, "Hey, guess what?"

22 A. No.

23 Q. "Billy Garcia and I had a discussion about
24 the killing of two people"?

25 A. No.

1 Q. Two human beings, simultaneous murders?

2 A. No.

3 Q. Committed by the SNM. In fact, you don't
4 mention that until after these indictments came
5 down, right?

6 A. Yes.

7 Q. And that was -- let's talk a little bit
8 about it. You asked to be indicted, right?

9 A. Yes.

10 Q. And it wasn't because you were -- out of a
11 sense of responsibility that you wanted to be
12 indicted federally, right?

13 A. I was finally able to get everything off
14 my chest. So, yeah, in a way it was for me to get
15 it all out, yes.

16 Q. And I believe the reason you've stated is
17 because you wanted to go to the federal system?

18 A. Sure, that was part of it. Yeah.

19 Q. Okay. Because if you got indicted
20 federally, then you would get a federal sentence and
21 you wouldn't have to rot in the New Mexico
22 Corrections Department, right?

23 A. Yes.

24 Q. The same department that you'd complained
25 on MSNBC about?

1 A. Yes.

2 Q. And you'd instead get to go to the federal
3 prison?

4 A. Yes.

5 Q. And be treated better?

6 A. I would certainly hope so.

7 Q. So after you designed -- you kind of had a
8 say in what your plea agreement would be, right?

9 A. Oh, that's generous, sir. I mean, I don't
10 have no authority to tell anybody from the program
11 what to do.

12 Q. I agree, it is generous. But they did
13 talk to you about it. You asked to be indicted, and
14 you had a say-so in what you'd admit to and what you
15 didn't admit to, right?

16 A. Absolutely not. I'm required to tell them
17 my whole story, sir.

18 Q. Now, I want to show you your plea
19 agreement. All right?

20 A. Yes.

21 Q. I'm going to show you your plea agreement.
22 Does this look like your plea agreement here?

23 A. Yes.

24 Q. And I want to go to the section that talks
25 about what you're admitting --

1 A. Right.

2 Q. -- is true. Okay? Do you see it has all
3 kinds of things in here that you admitted?

4 A. Right.

5 Q. And you read this before you signed it?

6 A. Sure.

7 Q. It goes chronologically. Let's go to the
8 year 2001. And are you admitting in here at all
9 that you had this conversation with Billy Garcia,
10 where you lobbied for him to murder Lujan and
11 Garza -- I mean, sorry -- Mr. Castillo and Mr.
12 Garza?

13 A. I wrote that in my statement to the FBI,
14 sir.

15 Q. I'm asking if it's in the plea agreement?

16 A. No, sir, I don't see it in the plea
17 agreement.

18 Q. And this supposed meeting you had with him
19 on the tier afterwards, is that anywhere in here?

20 A. No, sir.

21 Q. Let me guess. During those two meetings
22 you say you had with Billy Garcia, nobody was
23 present, right?

24 A. Well, we were present with a lot of people
25 outside in the yard.

1 Q. Oh, okay. Who overheard this
2 conversation?

3 A. Well, it was me and Mr. Garcia. There
4 were a lot of SNM members such as --

5 Q. Go ahead?

6 A. -- Dan Sanchez; I believe Marty Barros was
7 there at the time. There were a lot of people
8 present in the yard, sir.

9 Q. Do you recall about a month ago us being
10 in this courtroom and asking you about statements?

11 A. Yes.

12 Q. And do you recall at that point in time, I
13 asked you the same exact question about whether
14 anybody was present and overheard this supposed
15 discussion you had with Mr. Garcia, and you said
16 "No, no one"?

17 A. I don't know, sir.

18 Q. You don't know? You said it was out in
19 the yard.

20 A. Yes, sir.

21 Q. Wait a second. Earlier in the testimony,
22 you said it was on your tier that you were at during
23 tier time.

24 A. No, sir. No, we never had tier time
25 together, sir.

1 Q. Okay. That is what you stated on direct.
2 You said that you had a conversation with him in the
3 same living unit, in the same housing unit, and that
4 you lived in the same, and you had this discussion.
5 Do you recall that?

6 A. Yes.

7 Q. But now it's out on the yard?

8 A. Oh, yeah. We talk between stuff in the
9 yard that's quite intimate.

10 Q. In any of your statements have you
11 indicated that someone else was present when this
12 supposed discussion was happening?

13 A. I'm not sure, sir.

14 Q. By the way, when we looked at the plea
15 agreement, there was nothing about your attempted
16 murder of Julian Romero that you had to admit,
17 right?

18 A. I believe it was possibly in there, sir.
19 I don't know.

20 Q. Let's go ahead and look. It would have
21 been in 2003. Oh, there. Okay. Julian Romero was
22 shot, right?

23 A. Yes.

24 Q. And how about Billy Garcia, your attempt
25 to lure him, to get to murder him? Is that in

1 there?

2 A. No, sir.

3 Q. So when you and your lawyer negotiated
4 with the Government, Billy Garcia's life didn't
5 merit an admission of guilt, correct?

6 A. I don't choose what gets put in that plea,
7 sir.

8 Q. In that plea agreement you didn't have to
9 admit to pointing the gun at the police officer,
10 either, right?

11 A. No, sir.

12 Q. Is there anything about attempting to
13 murder Julian's wife, Lilly?

14 A. No, sir.

15 Q. Or the child?

16 A. No, sir.

17 Q. Now, after you got on TV, complained about
18 your confinement, and then after you started working
19 with the FBI after the indictments came down --
20 okay? So it's after all those events happened,
21 right?

22 A. Right.

23 Q. Your conditions improved in the prison,
24 didn't they?

25 A. Slightly, yes.

1 Q. You got to move into a pod with other
2 cooperators, right?

3 A. I was in the general population facility
4 before the federal case, sir. But yes, I was
5 allowed to live in a pod with cooperators.

6 Q. And you had more visits, got more phone
7 time?

8 A. I think I had the same status that I did
9 while I was in another Level 3 facility, meaning I'm
10 allowed to use the phone as much as I want. I'm
11 allowed visits according to the visiting schedule
12 days of the facility.

13 Q. That wouldn't normally happen for somebody
14 who was a two-time murderer and who had admitted to
15 doing numerous acts of violence on behalf of the
16 prison gang, right?

17 A. Well, sir, I was already convicted for
18 both of those murders on the state level after the
19 Department of Corrections released me to a Level 3
20 facility. So those murders were on the record, sir,
21 while I was at a Level 3 facility.

22 Q. Well, let's just move on. You've had
23 events where your family has been able to come in
24 and meet with you, right? It's not ordinarily
25 offered to other inmates.

1 A. Visits with your family are offered to
2 everybody.

3 Q. Well, a pizza party and things like that,
4 right?

5 A. I didn't attend the pizza parties, sir.

6 Q. Okay. Well, let's talk about your tablet
7 for a minute. I want to show you a protective
8 order.

9 MR. CASTLE: If I can approach the
10 witness?

11 THE COURT: You may.

12 Q. Those tablets, there was an order entered
13 by the Court, right, about what you could use the
14 tablets for?

15 A. Yes.

16 Q. And you couldn't use it -- that's an order
17 of the Court, right?

18 A. Right.

19 Q. And you were ordered not to do anything
20 improper, other than look at your discovery, right?

21 A. Right.

22 Q. How did you manage to get around the
23 security system that the United States marshals and
24 the FBI worked on? How did you get around that?

25 A. By manipulating the battery preset system.

1 It bypasses the blocks that were placed by the
2 Windows program.

3 Q. Pretty ingenious, kind of?

4 A. Mostly dumb luck, I'd say.

5 Q. Okay. Well, then you used -- in violation
6 of the Court order, you used that tablet to do some
7 very bad things, right?

8 A. That's certainly subjective. I mean --

9 Q. Well, you did some internet searches that
10 weren't part of the protective order, right?

11 A. Yes, sir.

12 Q. I don't want you to get into too many of
13 them, but I want you to tell the jury what you were
14 doing with your tablet, let's say January 31, 2017,
15 at 6:28 in the morning. What were you doing with
16 your tablet, searching?

17 MS. ARMIJO: Your Honor, may I see? I
18 don't know what he's showing the witness.

19 MR. CASTLE: You were provided that in the
20 last trial -- I mean last hearings in February.

21 MS. ARMIJO: I realize that, but I need to
22 see what you're showing him.

23 MR. CASTLE: This is a summary of his.

24 MS. ARMIJO: All right.
25

1 BY MR. CASTLE:

2 Q. What were you doing when you weren't
3 looking at your discovery, what were you searching?

4 A. I was researching the subject matter of
5 incest.

6 Q. Okay. Tell the jury what your term was.

7 A. Okay. Why do I want to have incest with
8 my mom?

9 Q. It says disgusting things -- I'm not going
10 to go into the rest of it -- with your mother,
11 right?

12 A. Okay. Sure.

13 Q. Now, part of the rules of the SNM that you
14 lived by was something that society doesn't accept,
15 which is that you don't accept people that have
16 same-sex relationships, right?

17 A. Yes.

18 Q. But you were searching things about that,
19 too, right?

20 A. Yes.

21 Q. You were exploring disgusting acts, that
22 you thought were disgusting as an SNM member, right?

23 A. Sure.

24 Q. Other hideous things, right, about women
25 doing things that I can't even read into the record?

1 A. Oh, yeah.

2 Q. Go ahead.

3 A. Okay. Women dipping their feet in semen.

4 Q. There is dozens and dozens of disgusting,
5 deviant, inhumane things that you were looking up
6 about other human beings with your spare time in
7 prison, right?

8 A. Yes.

9 Q. And you wouldn't have got to do that if
10 you weren't a cooperator with the Government?

11 A. I would have been issued a tablet along
12 with anyone else, sir.

13 Q. Well, only the cooperators did this
14 ingenious bypass and violated the Federal Court
15 order, to your knowledge, right?

16 A. Yes.

17 Q. Sir, let me ask you: It sounds like, at
18 this point, what you're trying to portray is that at
19 this point in time you've changed your life, right?

20 A. I think I've made better decisions for
21 myself now.

22 Q. Okay. And you're coming forward out of a
23 sense of morality?

24 A. Yes.

25 Q. Is that a "Yes"?

1 A. Yes.

2 Q. To the goodness of mankind?

3 A. I just don't believe in the idea of gangs
4 anymore now.

5 Q. Bring you closer to God?

6 A. No. I have a whole question about God,
7 but --

8 Q. In fact, I think you've stated in phone
9 calls to your mother that --

10 MS. ARMIJO: Objection; hearsay.

11 MR. CASTLE: Well, I'm asking. Okay, I'll
12 ask it a different way.

13 Q. You, sir, "wipe your ass with God"?
14 That's your words?

15 A. I don't know if I've ever said that, but
16 it's quite possible, yeah. I don't think that's any
17 of your business what my faith is or my lack
18 thereof.

19 Q. Sir, you're the one that brought your
20 morality in this courtroom and put it here before
21 the jury. And you're telling this jury that because
22 of your morality, they should believe you when you
23 say that Billy Garcia made a statement. You're the
24 one that put your morality at issue, correct?

25 A. Yes.

1 Q. And you're getting a benefit out of that,
2 so we're going to discuss it. You make phone calls
3 from the prison, right?

4 A. Yes.

5 Q. And you know they're recorded?

6 A. Yes.

7 MS. ARMIJO: Your Honor, may we approach?

8 THE COURT: You may.

9 (The following proceedings were held at
10 the bench.)

11 MS. ARMIJO: It appears that Mr. Castle
12 has a series of transcripts which do not have Bates
13 stamps numbers. I believe Mr. Beck brought this up
14 yesterday. We have never received reciprocal
15 discovery. If he's going to be questioning him
16 about anything specific, we would request copies of
17 the transcripts that they are going to be impeaching
18 with, and we would request it before he starts this
19 line of questioning. That's why we specifically
20 asked for that before.

21 And also, I'm going to be objecting unless
22 it is something that's inconsistent, because it's
23 clearly bringing in hearsay with specific calls.
24 But I would need to see them first.

25 MR. CASTLE: Your Honor, these are all

1 tape recordings that the Government has. We asked
2 that they be transcribed so I can read it. I can't
3 sit there with a microphone in my ear, to remind me
4 of what it said.

5 I'm not introducing them. I'm not going
6 to show them to the jury. It's just for me to be
7 able to say, "Isn't it true you said the following,"
8 and then if he says --

9 THE COURT: Is there any problem with
10 getting a quick copy of this?

11 MR. CASTLE: No, no. We'll give them a
12 copy of it.

13 THE COURT: There you go.

14 MR. ARMIJO: Then the other issue is, Your
15 Honor, morality is 404(b). It doesn't go to his
16 truthfulness. So I'm going to object on the basis
17 of 404(b).

18 MR. CASTLE: Your Honor, they opened the
19 door to this. They brought in that he had a change
20 of heart; he lived through the hypocrisy; but now
21 he's cured that hypocrisy.

22 THE COURT: Well, I think morality is a
23 term you don't normally hear around the courtroom,
24 but I think it's close enough to his credibility
25 that I probably will allow these questions. We're

1 going to have to be careful, though. If he admits
2 saying these things, which he's been pretty
3 forthcoming, then there is not going to be a whole
4 lot of need to impeach him.

5 I don't think you can just read the
6 transcripts. They can't come into evidence. So I
7 think he's going to give you whatever you want. But
8 if he doesn't, then you can impeach him. Otherwise,
9 probably the material can't come.

10 Let's give it a try.

11 (The following proceedings were held in
12 open court.)

13 THE COURT: All right. Mr. Castle.

14 BY MR. CASTLE:

15 Q. Mr. Munoz, I'm going to go through these
16 kind of chronologically, but not necessarily the
17 same topic. Okay? The first area I want to really
18 talk to you about is what you've been told you're
19 going to get in return for your cooperation, right?
20 Or what your expectations are, right?

21 A. Right.

22 Q. And when the Government has talked to you,
23 they brought you into their offices on numerous
24 occasions, right?

25 A. Yes.

1 Q. And they let your mom come there with you
2 at times?

3 A. Yes.

4 Q. And she gets to bring in some pizza or
5 things that she brings, things of that nature?

6 A. Yes.

7 Q. So you get to eat stuff that you wouldn't
8 get to eat otherwise on the streets, right?

9 A. Yes.

10 Q. And the officials will tell you things
11 about your potential sentence, right?

12 A. Yes.

13 Q. And you discuss with them back and forth
14 what your goals and your hopes are, right?

15 A. Yes.

16 Q. Some of the things that you would tell
17 them is that you wanted them to assist you in
18 requesting certain reductions, or actually clemency
19 for your state sentences, right?

20 A. Yes, I discussed that.

21 Q. And tell the jury what that is. What's
22 clemency?

23 A. It's a power bestowed to the governor to
24 reduce a person's conviction, say from 20 years to
25 10 years, if the governor wants to do that.

1 Q. Well, you've actually asked for pardon,
2 too, right? That's one of your goals, is a pardon?

3 A. No, sir.

4 Q. Just reductions, right?

5 A. It was actually commutation, was the word.

6 Q. Commutation. Okay. And so you're trying
7 to get those state sentences for those other murders
8 to be reduced?

9 A. Yes.

10 Q. And in your discussions, the Government
11 has promised to support that when you do file it,
12 correct?

13 A. A representative of the State Corrections
14 Department said he would support that, and he has
15 since retired, so --

16 Q. Well, you also talked to Ms. Armijo about
17 it, right?

18 A. I did not, sir.

19 Q. Okay. Do you recall telling your mother
20 that Ms. Armijo was going to support it?

21 A. I recall telling my mom that my lawyer was
22 going to talk to her about it.

23 Q. Okay. The state officer you're talking
24 about is Mark Myers?

25 A. I'm sorry, sir?

1 Q. Is it Mark Myers?

2 A. Yes.

3 Q. And he was working with the prosecution,
4 the Government, in this case?

5 A. I believe he was a task force officer.

6 Q. A federal task force officer?

7 A. Yes.

8 Q. Do you recall telling your mother that --

9 MS. ARMIJO: May I please have that?

10 MR. CASTLE: Oh, yes. I'm sorry. I
11 apologize. That's May 24, 2017.

12 MS. ARMIJO: And page?

13 MR. CASTLE: Page 11.

14 BY MR. CASTLE:

15 Q. Do you recall saying that with the new
16 governor, that you'll have Maria endorsing it,
17 because then she'll jump through -- and then I don't
18 know what else happened. Do you remember telling
19 your mom that?

20 MS. ARMIJO: Your Honor, that misstates
21 what it says.

22 MR. CASTLE: It's exactly what it says.

23 THE COURT: Well, you can ask the
24 question, and then if it needs to be dealt with on
25 redirect. Overruled.

1 BY MR. CASTLE:

2 Q. Do you recall that?

3 A. I might have said something along those
4 lines, yes.

5 Q. And that you're not actually -- are you
6 actually facing a life sentence?

7 A. I believe so, sir.

8 Q. But not if you get this commutation,
9 right?

10 A. I don't think one has anything to do with
11 the other. That avenue was between myself, the
12 Deputy Secretary of Corrections, and the governor.

13 Q. And do you recall telling your mom that in
14 order to try to get this reduction, you would have
15 to go balls to the wall?

16 A. Probably, yeah.

17 Q. That would be balls to the wall for the
18 Government, right?

19 A. Yes.

20 Q. Now, there was some push-back about
21 whether you should file the commutation in 2017 when
22 you wanted to file it, right?

23 A. Yes.

24 Q. And the information that you received was
25 that the Government wanted you to wait until after

1 you testified?

2 A. Yes. That's what my attorney said.

3 Q. When we first started talking about your
4 phone calls, you said that you didn't tell your own
5 mother that you wipe your ass with God. Do you
6 recall that?

7 A. I don't know if I used that term, sir,
8 but --

9 Q. January 17, 2017, page 3. Do you recall
10 telling your mom, "I'll turn God into a bar of soap.
11 God will wash my ass"?

12 A. I don't know.

13 Q. "It doesn't matter about him"?

14 A. I don't know if I said that, sir.

15 Q. If I showed you a transcript of your phone
16 call with your mother, would it refresh your memory?

17 A. Please. I'd like to see the names and
18 everybody.

19 Q. These are phone calls that the Government
20 has and that they turned over to the defense in
21 discovery, right?

22 A. Sure. I don't know anybody by the name of
23 Elizabeth Munoz, sir.

24 Q. What's your mom's name?

25 A. Jeannette Marquez.

1 Q. Okay. So do you recall saying that -- we
2 can play it.

3 A. Yeah, I would like for you to play it,
4 sir.

5 Q. Okay. We'll do that after lunch.

6 A. I've never spoken to anybody by the name
7 of Elizabeth Munoz, sir.

8 Q. Do you recall saying, "Is there anybody in
9 the so-called loyal family of mine that can send
10 things to you"?

11 A. It's quite possible, yes. What I know for
12 a fact is, I've never spoken to anybody named
13 Elizabeth.

14 Q. There is no question yet. During the time
15 that you were working with the FBI, do you recall
16 they gave you some questionnaires?

17 A. Yes.

18 Q. And the questionnaires had like statements
19 on it, right, with questions?

20 A. Yes.

21 Q. And do you recall one of the questions
22 was, "The 2001 murder of Rolando Garza was committed
23 by" -- and it listed the people?

24 A. Correct.

25 Q. And then it said, "It was ordered by Billy

1 Garcia." Do you recall that?

2 A. Yes.

3 Q. And then they said the same thing about
4 the Fred Castellano one. They told you what their
5 belief is what happened, right?

6 A. I don't know what that means. Whose
7 belief?

8 Q. Well, they wrote down what the script was,
9 right? "This is what happened in the 2001 murders."
10 Right? Do you recall the questions being like that?

11 A. I don't know if it was phrased that way,
12 sir.

13 Q. All right.

14 A. It's quite possible it was. I don't know.

15 Q. Well, do you recall that they gave you it,
16 and you got to take it back to the prison?

17 A. Yes.

18 Q. Let's go back to the January 17th one
19 while we look at your questionnaire. I know you
20 indicated there wasn't someone by the name of
21 Elizabeth Munoz?

22 A. I have no relatives with that last name,
23 sir.

24 Q. That might have been a mistake of the
25 transcriber?

1 MS. ARMIJO: May I see the paper you're
2 referring to?

3 MR. CASTLE: January 17, 2017. I'm sorry.
4 My eyesight is not as good as it should be. I'll
5 have somebody find it for me.

6 Q. Do you recall saying at Page 5, "It's
7 not -- because if not, mom, if not, then I'm cutting
8 everybody off. I don't want to hear no more for the
9 rest of my fucking life." Do you recall making
10 statements like that to her?

11 A. No, sir.

12 Q. I want to show you the questionnaire you
13 were given by the FBI, that you got to take back to
14 the pod with all the other informants, right?

15 A. Yes.

16 Q. I'll show you what -- does that look like
17 the questionnaire that you got to take some time and
18 fill out, right?

19 A. Yes.

20 Q. And in your questionnaire, questionnaire
21 number 95, the question was, "Francisco Castillo
22 a/k/a El Pancho was murdered in 2001 at the Southern
23 New Mexico Correctional Facility by Angel DeLeon,
24 Joe Lawrence Gallegos, Edward Troup, Leonard Lujan,
25 and Billy Garcia. Why was Castillo murdered?"

1 A. I don't know.

2 Q. And you write, "I don't know," right?

3 A. Yes.

4 Q. So they provide you the script, right?

5 A. Yes.

6 Q. And then it's interesting here. It
7 says -- the next question is, "Did Angel DeLeon, Joe
8 Lawrence Gallegos, Edward Troup or Billy Garcia ever
9 talk to you about the murder?"

10 A. They never spoke about Mr. Garcia.

11 Q. "If yes, what did they say?" What is your
12 answer?

13 A. "No."

14 Q. Rolando Garza. The next question. They
15 ask you the same thing, give you the script, right?
16 And the follow-up question, "Did Leonard Lujan,
17 Eugene Martinez, Allen Patterson, Christopher
18 Chavez, or Billy Garcia ever talk to you about the
19 murder? If yes, what did they say?"

20 And then you write, "Not after the fact,"
21 right?

22 A. Yes.

23 Q. But you told this jury that Billy had this
24 kind of thing, where you were on the tier with him
25 and you had this kind of exchange that you've told

1 the jury about.

2 A. About Looney, Garza, yes.

3 Q. That's not in there. That's not in the
4 questionnaire. You didn't write that, did you? Did
5 you?

6 A. I wrote about Rolando Garza being a member
7 of the LC, sir, yes.

8 Q. Hold on. Let's go back. During the time
9 that you had this other material, you were able
10 to -- you guys were able to mill about, right? You
11 weren't stuck in the cell? You could share things?

12 A. Yes.

13 Q. Anywhere in here -- and you take all the
14 time you want and maybe you'll recall -- anywhere
15 did you ever write that you had a conversation with
16 Billy Garcia before the murders of Pancho, in which
17 you told him that you were lobbying for his death?

18 A. No, sir.

19 Q. Or that there was some meeting out in the
20 yard now, where other people were all in attendance,
21 where Billy made these statements?

22 A. Yes.

23 Q. Let's go back to the governor thing.
24 Okay?

25 A. Yes.

1 Q. Do you recall telling your -- well, I have
2 a phone call in which you were saying --

3 MS. ARMIJO: Objection; hearsay.

4 MR. CASTLE: Well, I think she's right,
5 Judge. I'll rephrase it.

6 THE COURT: All right.

7 BY MR. CASTLE:

8 Q. That the process was that once you got
9 done testifying, "that everybody was going to sign
10 off on it" -- meaning the commutation -- "the
11 governor and everybody." Do you recall that?

12 A. I might have said that, yes.

13 Q. And --

14 MS. ARMIJO: Your Honor, he's reading from
15 the document. Objection; hearsay.

16 THE COURT: I think this is true.
17 Sustained.

18 BY MR. CASTLE:

19 Q. Well, do you recall that you believe --
20 well, you believe that what you're doing here today
21 will get you a reduction in your sentence that will
22 go down in history?

23 A. I think that matter is closed, sir. I
24 don't think that will happen for me.

25 Q. But you don't believe it will go down in

1 history?

2 A. What will go down in history?

3 Q. Your great deal you're going to get in
4 this case.

5 A. I don't know about that, sir.

6 Q. Do you agree or disagree?

7 A. I was hoping that I would get my sentence
8 reduced at the beginning, but --

9 Q. And you were hoping that after you were
10 done testifying, that everyone, meaning the
11 Government, would sign off on it with the governor
12 and give you a deal that would go down in history?

13 A. I don't know if I ever said "go down in
14 history" like that.

15 Q. Okay. Well, do you want to see a
16 transcript, then, perhaps, of what you said?

17 A. Yes.

18 Q. Page 17, the part that we highlighted,
19 sir. I'll ask you to read it. Do you see that up
20 here?

21 A. Yes.

22 Q. Okay. So your goal is, in fact, after you
23 get done testifying that you'll get everybody to
24 sign off on your commutation, the governor and
25 everybody, and that it would go down in history?

1 A. I gave up on that goal, sir.

2 Q. And that's another thing that we just have
3 to take your word for, right?

4 A. I would hope so.

5 Q. Now, as part of this goal of yours, at
6 least that you had at some point --

7 A. Sure.

8 Q. -- you were extremely motivated to please
9 the Government, right?

10 A. Yes, that's fair.

11 Q. And it's because you wanted to keep the
12 momentum going on the reduction in your sentence?

13 A. I don't know I've ever said that, sir.

14 Q. Do you recall saying, "I'm like motivated
15 and I'm inspired and I'm trying to keep the momentum
16 going on this, and I don't want it to stall so that
17 everybody just gets comfortable in their position
18 and nothing goes further on it"?

19 Do you recall saying that?

20 A. Yes.

21 Q. And you're counting on your lawyer being
22 able to help you get a reduction, right?

23 A. I have a new lawyer, sir. I never
24 discussed it with him.

25 Q. Well, the lawyer you had when you got the

1 deal, right?

2 A. Yes.

3 Q. He became the United States Attorney in
4 the last year or so, right?

5 A. Yes.

6 Q. And, in fact, you're counting on the fact
7 that he is now the United States Attorney, the
8 appointed one by the President of the United States,
9 you're counting on him getting you some love and
10 getting you some reduction --

11 A. No.

12 Q. -- to come in here and testify?

13 A. No, sir, I'm not.

14 Q. Well, do you recall saying, "Then John" --
15 that's John Anderson, right?

16 A. Yes. He was my lawyer, right.

17 Q. And John Anderson is now the U.S. Attorney
18 right?

19 A. Yes.

20 Q. "And John, he's very important because his
21 future plans mean -- I mean, considering the job he
22 might get here shortly, that certainly changes a
23 lot, too, you know, because he knows me, and he'll
24 be the big dog here in New Mexico"?

25 A. Those are certainly my sentiments on it,

1 yes.

2 Q. Do you recall that you asked your lawyer,
3 John Anderson, to get hold of Maria Armijo?

4 MS. ARMIJO: Objection; hearsay.

5 MR. CASTLE: Goes to his state of mind.

6 THE COURT: I think it's a question I'll
7 allow. Overruled.

8 A. Can you repeat the question?

9 BY MR. CASTLE:

10 Q. Do you recall asking your lawyer to get in
11 contact with Maria Armijo about this request for
12 reduction?

13 A. Quite possibly, yes.

14 Q. And do you recall that the -- and I don't
15 know who yet, but do you recall that some of the
16 people, whether it be the U.S. Attorneys handling
17 your case and talking to you, or the FBI, that they
18 basically told you that the President of the United
19 States might be able to intercede on your behalf?

20 A. I don't believe anybody has ever told me
21 that, sir. That's just my own knowledge of the way
22 the Government is structured.

23 Q. Do you recall a phone call dated April
24 1st, 2017 -- I guess this could be an April Fool's
25 joke you were doing, but we'll see. You say, "I was

1 just tripping that they were making all those
2 comments about the President because they all work
3 for him."

4 MS. ARMIJO: May I please have a page?

5 MR. CASTLE: Page 4.

6 Q. "And it's going to be him" -- meaning the
7 President -- "that are going to my lawyers." So
8 you're saying there, right, that they -- meaning the
9 Government -- are making all those comments about
10 the President because they all work for him?

11 A. I think I had a lunch, and my auntie was
12 criticizing the President in front of the FBI, and I
13 was commenting that my auntie was making those
14 comments in front of people who work for the
15 President, sir.

16 Q. I'll go back. Would you like to look, to
17 see?

18 A. You should just play the phone call. It's
19 more explicit.

20 Q. I'll just look at the transcript because
21 it takes less time.

22 A. Sure.

23 Q. Here where is the comment is -- sorry.
24 Wrong page. "Annette said they are a bunch -- a
25 bunch of cuties."

1 THE COURT REPORTER: I'm sorry. I can't
2 hear you.

3 MR. CASTLE: I'm sorry.

4 Q. Preceding that comment, somebody is
5 saying, "Annette said they are a bunch -- a bunch of
6 cuties."

7 And that's when you said, "I was just
8 tripping that they were making all those comments
9 about the President, because they all work for him."
10 Not your auntie. "They" all work. Those comments
11 about the President, because they were all working
12 for him.

13 You see, you're talking about comments
14 about the President that those who worked for him
15 are making to you?

16 A. I never talked to an Elizabeth Munoz, sir,
17 so I'm still having an issue with accepting the
18 premise of this whole thing.

19 Q. You've talked to a lot of people with the
20 last name of Munoz, right?

21 A. No, sir.

22 Q. Any?

23 A. Just Angel Munoz.

24 Q. You never talked to any family members on
25 the phone?

1 A. I don't have anybody with the last name of
2 Munoz, sir.

3 Q. Okay. Did you make that statement or not?

4 A. I talked about my Aunt Annette, yes. Not
5 Antoinette, as that says.

6 Q. Okay. Now, you were also trying to get
7 the assistance of the FBI to help you with a
8 reduction in your sentence and favorable placement
9 if you went to the federal penitentiary, right?

10 A. Yes, sir.

11 Q. And specifically, you were dealing with
12 Mark Myers from the federal task force and Bryan
13 Acee, right?

14 A. Yes.

15 Q. And do you recall being told that Mark
16 Myers has offered to write a letter on your behalf,
17 right?

18 A. Yes.

19 Q. But Agent Acee wouldn't, right?

20 A. No, sir.

21 Q. Sometimes we ask these questions -- the
22 way I phrase them is really not all that good. Did
23 Agent Acee agree to write a letter on your behalf?

24 A. I don't think he said he would write one,
25 sir. He said it was a good idea for me to try it.

1 Q. But he said he wouldn't write one?

2 A. I don't believe so.

3 Q. And I think what Mr. Myers says is, he'll
4 personally hand-deliver his letter?

5 MS. ARMIJO: Objection; hearsay.

6 MR. CASTLE: Goes to the state of mind,
7 Your Honor.

8 THE COURT: Sustained.

9 Q. One of the things you're getting in return
10 for your plea here is, you're getting a letter from
11 Mr. Myers? He's going to hand-deliver to the
12 governor?

13 A. I don't know that anymore, sir.

14 Q. You've talked about that, right, on phone
15 calls?

16 A. A very long time ago, yes. In the
17 beginning of this -- in the middle of this case,
18 yes.

19 Q. Well, this would have been May of 2017, a
20 little less than a year ago.

21 A. And he retired thereafter.

22 Q. Well, do you recall telling a family
23 member that as far as your commutation application,
24 that Ms. Armijo would also support it?

25 A. I was hoping that she would, yes.

1 Q. But you said that she was supporting it?

2 A. I might have.

3 Q. But that you were told to hold off on that
4 by not only your lawyer, who is now the U.S.
5 Attorney, but also by Ms. Armijo.

6 MS. ARMIJO: Objection; hearsay.

7 THE COURT: Sustained.

8 Q. Well, the only reason you were charged, I
9 think, was to take you out of the state prison and
10 put you the in federal custody, right?

11 A. Yes, sir.

12 Q. That, in fact, they weren't going to ever
13 charge you; but that because you requested it, they
14 went ahead and did that so you wouldn't have to
15 serve your time, right?

16 A. That was my understanding, yes.

17 Q. Mr. Munoz, you've been diagnosed with
18 antisocial personality disorder, correct?

19 A. No, sir.

20 Q. You've never been diagnosed with that?

21 A. No, sir.

22 Q. Or psychopathy, being a psychopath?

23 A. No, sir.

24 Q. Superficially charming, things of that
25 nature?

1 A. No, sir. When you say "diagnosed," by
2 whom?

3 Q. By mental health professionals.

4 A. I've never. No, sir.

5 MR. CASTLE: I have no other questions.

6 THE COURT: Thank you, Mr. Castle. All
7 right.

8 Mr. Sindel, do you have questions?

9 MR. SINDEL: Am I the only one?

10 MS. ARMIJO: Your Honor, may we approach?

11 THE COURT: You may.

12 MR. CASTLE: Your Honor, the only thing I
13 would ask is, I'm going to reserve so I can queue up
14 that one tape.

15 THE COURT: I think you'll have to accept
16 Mr. Munoz's answers. I let you refresh his
17 recollection under 608(b), but you can't play the
18 tape.

19 All right. Do you want to approach?

20 MS. ARMIJO: May we approach?

21 THE COURT: Yes.

22 (The following proceedings were held at
23 the bench.)

24 MR. ARMIJO: Your Honor, I want to know
25 what Mr. Castle's good faith basis was to ask that

1 last set of questions. I don't believe he has
2 Mr. Munoz's medical records. I think that was
3 discussed. And he left the impression. He didn't
4 say "were you ever." He said "you were." And he
5 left the impression with the jury that he was. And
6 I noticed he didn't have any records with him, and
7 they weren't disclosed. So I'd like to know the
8 good faith basis. And if not, I'd ask that those
9 remarks and questions be stricken from the record.

10 THE COURT: Were you guessing from his
11 medications, Mr. Castle?

12 MR. CASTLE: Your Honor, I'd have to
13 look, but I believe we have his records from one of
14 the questions that we obtained through IPRA.

15 THE COURT: All right. Show them to
16 Ms. Armijo at a break.

17 MR. ARMIJO: And, Your Honor, if they
18 don't have that, I think this was one of the issues
19 that was --

20 THE COURT: We can review, but I think
21 there is probably enough for good faith. If you
22 want to re-approach it after you see what Mr. Castle
23 has, you can.

24 On the basis of the tape, the morality
25 issue I think in this particular case, given the

1 questions, is getting fairly close to religious.
2 Whatever his views on God are aren't relevant, and I
3 think this is a collateral matter, so that's the
4 reason I'm not allowing any additional proof on
5 that.

6 All right. Let's break for lunch.

7 (The following proceedings were held in
8 open court.)

9 THE COURT: All right. Let's go ahead and
10 take our lunch break. I know this is -- what do you
11 call them? Food truck Wednesday? All right. Enjoy
12 your food trucks. I think it's 98 degrees out
13 there, so take a water bottle or something.

14 Mr. Castle, you've got a document up here,
15 if you want it.

16 MR. CASTLE: Okay.

17 THE COURT: See you in about an hour.

18 (The Court stood in recess.)

19 THE COURT: All right. I think we've got
20 all the defendants in the courtroom and an attorney
21 for all defendants. Let me check.

22 Mr. Castle? Mr. Burke, you were going to
23 try to say something before the break. Do you need
24 anything, Mr. Burke?

25 MR. BURKE: No, Your Honor.

1 THE COURT: Mr. Castle?

2 MR. CASTLE: I know the Court has ruled
3 that I can't play that audio, but the witness
4 challenged me and said, "If you played the audio,
5 I'd know whether I said it." I don't want to leave
6 the jury with the impression that we don't have the
7 audio, which we do. It was just when we got the
8 transcription, we had the wrong first name, or name
9 of his mother.

10 THE COURT: But I ruled on the record in
11 front of the jury.

12 MR. CASTLE: Oh, did you?

13 THE COURT: So they're going to blame me.

14 MR. CASTLE: Oh, I'm sorry. I didn't know
15 that was on the record. I thought it was off the
16 record. I think that's sufficient.

17 THE COURT: Y'all can check me, but I
18 think I did it so that I take the hit.

19 MR. CASTLE: All right.

20 THE COURT: It's me.

21 MR. CASTLE: Okay.

22 MS. ARMIJO: Your Honor, I asked
23 Mr. Castle for the documents, and he said that he's
24 not looking for them because he's working on the
25 next witness. I would like this issue to be

1 resolved before Mr. Munoz leaves so that we can
2 either have that stricken from the record.

3 MR. CASTLE: Your Honor, we're trying to
4 do that, but what we heard yesterday was that Samuel
5 Gonzalez was going to be a witness. We thought he
6 was being re-called. Apparently last night around
7 11:30 --

8 THE COURT: What is it that you were
9 looking at, that made a good faith basis for asking
10 these questions?

11 MR. CASTLE: They were IPRA records, and
12 it may very well be -- what we found out over lunch
13 is that there were IPRA records for a different
14 Freddie Munoz with the same year of birth that were
15 delivered back to us. That's where we got the wrong
16 mother's name. I'm having people looking.

17 THE COURT: Okay. I'm not real concerned
18 about it because we've got PSRs floating around
19 there with medications. We've got a lot of medical
20 records.

21 MS. ARMIJO: His PSR has not been
22 released.

23 THE COURT: Okay.

24 MS. ARMIJO: So that's why.

25 THE COURT: All right. All rise.

1 (The jury entered the courtroom.)

2 THE COURT: All right. Everyone be
3 seated. We need to get Mr. Munoz here. While we're
4 waiting for Mr. Munoz to return to the courtroom, I
5 know that -- I think that Jury Services shared this
6 with you, but in this new large omnibus budget bill
7 that was just passed, the final financial plan for
8 fiscal year 2018 included funding for an approved 10
9 dollar increase to the daily juror attendance fee,
10 so you're up from 40 to 50. And I'm probably now
11 going out on a limb and saying I think if you serve
12 past four weeks, you get an additional 10 dollars.
13 Don't hold me to that.

14 I think that was effective May 7th, so I
15 think that that goes into effect and it may be
16 retroactive for at least a portion of your time.

17 Also, I know last week I read you the
18 resolution from the Supreme Court of New Mexico.
19 Our Administrative Office of the Court out of
20 Washington, D.C., also told us that last week was
21 juror appreciation week, and the federal courts
22 across the country honored citizens for their
23 participation and raised awareness about the
24 importance of jury service. I didn't realize all
25 that was going on because I'm in here with you.

1 But all across the nation, federal courts
2 were doing things to honor jurors and raise the
3 awareness about the importance of jury service in
4 our judicial system. So if you weren't here, you
5 didn't get to hear all of it. Know it was going on,
6 and we appreciate all you've done for us.

7 All right. Mr. Munoz, if you'll return to
8 the witness box, and I'll remind you that you're
9 still under oath.

10 Mr. Burke, are you going to go next?

11 MR. BURKE: Yes, Your Honor.

12 THE COURT: All right. Mr. Burke.

13 CROSS-EXAMINATION

14 BY MR. BURKE:

15 Q. Good afternoon. Mr. Munoz, how old were
16 you when you killed Felix Martinez?

17 A. Eighteen, sir.

18 Q. Eighteen. And when you had the sheet in
19 your hand, did you get up behind him from some
20 elevated position and jump on him and slam his head
21 into the ground?

22 A. Well, I stood on the bed, sir, and then --

23 Q. And then jumped on him?

24 A. Yes.

25 Q. All right. Can we take a look at the

1 information, please, which I believe -- could we
2 switch over to page 10. I just wanted to ask a
3 couple of questions about this. You can see that on
4 your screen, page 10, please.

5 So looking at Overt Act 6, that's when Ben
6 Clark was told to go hit LT. And who was that, sir?

7 A. Leroy Torres.

8 Q. And that's because Leroy Torres was
9 involved with the All Stars?

10 A. We targeted him for a hit before the All
11 Stars became established.

12 Q. And what was the reason for the earlier
13 decision?

14 A. He was pressuring the brothers to do stuff
15 that they didn't want to do at the facility that he
16 was at, so my boss stated that he would go to the
17 North and talk to people about getting the green
18 light on him. And he in fact did that.

19 Q. Your boss being Styx?

20 A. Yes, sir.

21 Q. And you were the two-man tandem that was
22 responsible for most of the violence of the SNM
23 through the year 2007?

24 A. 2007, sir, I was on my way out. But it's
25 fair to say that Gerald was very much involved.

1 Q. Thank you. Could we move over to page 11
2 of that exhibit. I wanted to ask you about, in
3 particular, about Overt Act 14. It appears that you
4 were engaged in a series of armed robberies; is that
5 correct?

6 A. Yes.

7 Q. Your co-defendant was Monte Cantu?

8 A. In some. Not all of them. Yes.

9 Q. And that was the one I think you told Mr.
10 Castle that you made the great deal where you
11 cooperated, did a little more county jail time, got
12 probation, but Monte Cantu went to prison?

13 A. Yes, sir.

14 Q. And the fact that you were informing was a
15 fact known to people in that old county jail?

16 A. It was presumed and assumed, yes.

17 Q. And it was presumed and assumed because
18 people could see the result, and they went, "Okay,
19 I've got this figured out"?

20 A. Yes.

21 Q. So anybody that was at the jail around
22 that time would have known you were informing,
23 correct?

24 A. They would have assumed that, yes.

25 Q. Yeah. Like Mr. Troup, who was there?

1 A. I don't think he and I were in the jail
2 together, sir.

3 Q. But he was in the jail with Monte Cantu,
4 wasn't he?

5 A. I don't know.

6 Q. Moving down to Overt Act 16, that's the
7 barber shop one?

8 A. Yes, sir.

9 Q. And in effect, you got a concurrent
10 sentence for that?

11 A. Yes, sir.

12 Q. Another great deal?

13 A. Yes, sir.

14 Q. All right. Now, in addition to the
15 various deals, I do need to ask you some -- is it
16 true that you wanted this federal information?

17 A. What do you mean, sir?

18 Q. You wanted to be charged federally?

19 A. Yes, sir.

20 Q. So you and your lawyer and Government
21 counsel crafted this information; is that correct?

22 A. My understanding is, I wrote my story from
23 the beginning of my juvenile days all the way till I
24 considered that I left. And the FBI then charged me
25 on the basis of that.

1 Q. All right. And all to get into the
2 federal system?

3 A. Yes.

4 Q. That was of such a benefit to you, that
5 you wanted to do that?

6 A. I think there is more programming and
7 stuff like that in the federal system, so yes.

8 Q. Safer, as well?

9 A. Yes, sir.

10 Q. Now, in addition to that benefit, you also
11 received something on the order of \$2200; is that
12 correct?

13 A. I don't know the exact sum, sir, but yes.

14 Q. I'm just looking at EI. It's one of the
15 exhibits. It's a document dated April 10th, 2018,
16 and they've got the figure of \$2200. I think it's
17 on page 4. Does that sound about right?

18 A. It sounds right.

19 Q. Then in addition to that, there was a
20 bunch of things that some of us might consider
21 little things, but were important to you, like
22 visits with the family?

23 A. Yes, sir.

24 Q. And you ended up being asked to provide
25 gang training to law enforcement; is that correct?

1 A. I was asked if I would do it, and I
2 volunteered to do it. It never came about.

3 Q. And then there was some misunderstanding.
4 There was a pizza party of some kind that you got to
5 attend with your mom?

6 A. I didn't attend any party at the facility,
7 sir.

8 Q. But somewhere else, did you ever get a
9 chance to visit with your mom?

10 A. I had lunch with my mother at the FBI
11 building, yes.

12 Q. Then you got to be housed at Level 6 and
13 got tier time with other inmates and contact visits?

14 A. Yes, sir.

15 Q. And then when you requested a transfer to
16 Level 6, they went along with that?

17 A. If you're saying that I was in county jail
18 custody and I wanted to go back to the state pen?

19 Q. Yes.

20 A. Yes.

21 Q. And then you asked some assistance from
22 FBI Agent Acee to arrange a meeting between yourself
23 and this Sonya Chavez, and that message was relayed,
24 as another favor to you; is that right?

25 A. I believe so, yes.

1 Q. Now, when was it that you were on these TV
2 shows?

3 A. I don't know the exact date, but it was, I
4 believe, in the end of 2007, maybe 2008.

5 Q. Were there two shows or three shows?

6 A. Yes, there were two shows, but occurring
7 in separate years.

8 Q. Both around that time, the end of 2007?

9 A. Yes, sir.

10 Q. And was Javier Alonso -- did he make an
11 appearance on either of those?

12 A. Yes, sir.

13 Q. And so he was an acquaintance of yours?

14 A. We were from the same gang, yes, sir.

15 Q. All right. And do you see him now?

16 A. Javier Alonso's appearance was on a show
17 from Nightline, sir, which occurred in 2014. He was
18 not in the lock-up documentary that I was in 2008.

19 Q. Do you see him from time to time? Here we
20 are in 2018.

21 A. Yes.

22 Q. And you do see him in a particular
23 facility from time to time?

24 A. Yes, sir.

25 Q. Okay. Now did he join the RPP?

1 A. Yes, sir.

2 Q. When did he join the RPP?

3 MS. ARMIJO: Objection; foundation.

4 Q. Do you know when he joined the RPP?

5 A. We went to the program together, sir.

6 Q. And do you know when you went, which would
7 be the same time as when he went?

8 A. I believe I arrived on June 16th of 2014,
9 sir.

10 Q. And as part of that, that would be another
11 time that you were required to or you did give
12 information relating to your activities?

13 A. The security threat gang unit, the state
14 penitentiary?

15 Q. Yes, sir.

16 A. Asked questions about my gang history,
17 yes.

18 Q. And that's sort of a prerequisite for the
19 RPP?

20 A. Induction into the program, yes.

21 Q. And there came a time when there was an
22 accusation that you and Javier Alonso and some
23 others were trying to start your own gang. Do you
24 remember that?

25 A. I heard that sort of allegation, yes.

1 Q. And you believe that's not a true
2 allegation?

3 A. I believe it to be false, yes, sir.

4 Q. And that would be because some
5 confidential informants are saying false things
6 about you and Mr. Alonso?

7 A. I don't know who was saying what, sir.

8 Q. But it did result in Mr. Alonso being
9 transferred because he, along with you, were accused
10 of starting a new gang?

11 A. Actually, sir, my documentation from the
12 state prison system, I was never accused of
13 anything.

14 Q. Well, I was actually asking you a bit
15 about Alonso. Would you like to see the document
16 that I'm using upon which to base the question?

17 A. Sure.

18 MS. ARMIJO: Your Honor, I'm going to
19 object. He can testify as to what he knows, but not
20 to what's on the document.

21 THE COURT: That may be true, but I'll let
22 him refresh his memory if he needs to.

23 MS. ARMIJO: May I see the document?

24 MR. BURKE: Oh, sure.

25

1 BY MR. BURKE:

2 Q. I just want you to see where I got that.

3 A. Okay. The first paper, it comes from
4 where?

5 Q. This was in discovery. Did you see this?

6 A. I don't have my tablet, sir.

7 Q. Okay. But do you remember seeing -- this
8 is sort of an early number, so I thought that --

9 A. I erased my tablet the moment it was given
10 to me.

11 Q. All right. Why don't you just read that
12 paragraph.

13 A. Out loud?

14 Q. No, to yourself.

15 A. Okay.

16 Q. So even though the Corrections Department
17 has this threat assessment about a new gang, that's
18 not something you were involved in?

19 A. Well, I never saw that conclusion, sir.

20 MS. ARMIJO: And so, Your Honor, I'm going
21 to object if he tries to get that in.

22 MR. BURKE: I just wanted to ask him the
23 question about it.

24 THE COURT: Let's see what the question
25 is.

1 BY MR. BURKE:

2 Q. You were not aware of these accusations
3 about the new gang, but it did result in the
4 transfer? You saw that, correct?

5 A. But the documentation that I have that was
6 used to justify my placement never made an
7 accusation against me, sir. So what I'm saying to
8 you was, I don't know what the accusation was, other
9 than the common gist that was going around in the
10 pod.

11 Q. The chatter?

12 A. Gossip. Yes, sir.

13 Q. Chatter about a new gang?

14 A. Yes.

15 Q. I now want to talk to you about the
16 conversation you had with my client, allegedly.
17 What unit were you in, in 2007, when Mr. Troup
18 arrived?

19 A. That was housing Unit 1-A at the state
20 penitentiary, Level 6.

21 Q. Are you sure about?

22 A. Yes, sir.

23 Q. You weren't in unit 1-B?

24 A. I was transferred back and forth.

25 Q. All right.

1 A. Multiple times, yes.

2 Q. All right. When you saw Mr. Troup, where
3 was this conversation?

4 A. It was in the recreation yard that housing
5 unit 1-A and 1-B both have access to.

6 Q. Do you remember the first time that you
7 talked about the conversation? It was in the first
8 interview, December 2, 2015?

9 A. I'm not quite sure, sir.

10 Q. And the only -- I'll just represent to you
11 that the only thing you said about it was: Edward
12 Troup admitted to Munoz that he and Javier Alonso
13 killed Freddie Sanchez.

14 That's all you said?

15 A. Right.

16 Q. No details, no Rascons, no nothing, no
17 details?

18 A. I'm not -- I don't honestly remember if I
19 provided all that back story or not.

20 Q. Would you like to see this?

21 A. Sure.

22 MS. ARMIJO: May I see it?

23 A. Okay.

24 Q. All right. So the first time you spoke
25 about it, you provided no details, true?

1 A. Right.

2 Q. And then you had a chance over the course
3 of a month to write out your story, correct?

4 A. Yes.

5 Q. And in that story, which took a great deal
6 of time to write, you said when Edward Troup arrived
7 at your housing unit, he tried to talk to you,
8 right?

9 A. Yes.

10 Q. Not Jurassic Park? The housing unit?

11 A. We share a common rec yard. Yes, sir.

12 Q. Yeah, but you had to switch it --

13 A. No.

14 Q. You had to switch it, sir, to Jurassic
15 Park, because you weren't in the position to have
16 the conversation in the housing unit, correct?

17 A. We lived in the same housing unit, yes,
18 sir.

19 Q. Yes, you lived in the same housing unit,
20 but you moved the conversation to Jurassic Park
21 because it was more plausible, right, Mr. Munoz?

22 A. No, sir.

23 Q. And isn't it also true, Mr. Munoz, that
24 there are no records of you being at rec together
25 with Mr. Troup?

1 A. I don't know. That may or may not be
2 true.

3 Q. So who did Mr. Myers work for?

4 A. The Department of Corrections.

5 Q. Do you think that if there was a record
6 with the Department of Corrections, he wouldn't have
7 moved heaven and earth to find it, to show that
8 there is some corroboration that you might have been
9 together?

10 A. I would imagine he would have tried to
11 obtain it.

12 Q. There is no record, though. I'm wondering
13 why is that?

14 A. I couldn't possibly know that, sir.

15 Q. And there is no photograph of you being
16 together?

17 A. I have no idea.

18 Q. What could have happened with that?

19 A. I have no idea.

20 Q. And the truth is, you just made up that
21 conversation?

22 A. No, sir.

23 Q. You just made it up to score points?

24 A. No, sir.

25 MR. BURKE: That's all I have.

1 THE COURT: Thank you, Mr. Burke.

2 Mr. Sindel? Mr. Solis?

3 MR. SOLIS: Your Honor, Mr. Sindel has
4 allowed me to go first.

5 THE COURT: All right.

6 MR. SOLIS: I won't be very long.

7 THE COURT: All right. Mr. Solis.

8 CROSS-EXAMINATION

9 BY MR. SOLIS:

10 Q. Good afternoon, sir.

11 A. Good afternoon.

12 Q. You know, listening to you, Mr. Munoz,
13 today and on a previous occasion, I thought you were
14 the person the story followed, because you're well
15 versed with the inner workings, I guess, of the SNM,
16 it appears?

17 A. Yes.

18 Q. And so you would know that -- well, let me
19 strike that. We've had -- we've heard over the last
20 several weeks that there was indoctrination with
21 philosophy, philosophers. Is that true?

22 A. Can you be more --

23 Q. Sun Tzu?

24 A. Sure.

25 Q. Machiavelli?

1 A. Many of the brothers would read that sort
2 of literature, myself included.

3 Q. And so that is sort of an indoctrination
4 or some sort of instruction or inculcation of these
5 philosophers' approaches to various aspects of life;
6 is that right?

7 A. For warfare purposes, yes.

8 Q. Yeah. In fact, Sun Tzu -- these are my
9 notes; I'm not reading off any document. His
10 approach is basically tactics and strategy to defeat
11 your enemies, essentially?

12 A. Yes.

13 Q. The Art of War, right?

14 A. Yes, sir.

15 Q. And Machiavelli, his is machinations and
16 schemes to achieve what you want?

17 A. Yes.

18 Q. A 16th century -- well, Italy wasn't a
19 country, but Florence?

20 A. Yes. A city state.

21 Q. Right.

22 MR. SOLIS: May I approach the easel, Your
23 Honor?

24 THE COURT: You may.

25 Q. And so being familiar with at least those

1 two philosophers, and you said others, one is -- I'm
2 sorry. I'll allow you a vantage point to see this,
3 as well.

4 Mr. Munoz, Machiavelli, right? And you're
5 familiar with this, that's attributed to him, that
6 the ends justify the mean? You understand that,
7 right?

8 A. Yes.

9 Q. And that's essentially, well, whatever it
10 takes to achieve what I need, is what Machiavelli
11 basically is attributed with in The Prince and The
12 Art of War. Do you agree?

13 A. Yes.

14 Q. And so as an SNM member and others, you
15 try and learn these and take your approach to how
16 you handle yourself in various situations, employing
17 these tenets or these principles you've learned from
18 these philosophers; is that right?

19 A. Yes.

20 Q. What other philosophers did you study or
21 were you indoctrinated with?

22 A. I mean, I would read anything that the
23 facility library had.

24 Q. Okay.

25 A. So possibly it's Plato, Nietzsche.

1 Q. Perfect. Aristotle, maybe?

2 A. I probably read some of his stuff, yes,
3 sir.

4 Q. What is it? Nicomachean Ethics?

5 A. Yes, sir.

6 Q. It talks about the four virtues?
7 Remember?

8 A. Vaguely, yes.

9 Q. Well, courage, control, generosity. Do
10 you know what the last one is?

11 A. No, sir.

12 Q. Truthfulness and honesty. Do you remember
13 that one?

14 A. No, sir.

15 Q. Well, then having studied Aristotle like
16 you said, you would know that virtue -- truthfulness
17 and honesty -- is one character trait that is made
18 of habitual action, right?

19 A. Yes.

20 Q. Okay. So habitual action is something
21 that happens all the time, or at least consistently,
22 and so an honest person, you would know, doesn't
23 tell the truth once, but habitually. You would
24 agree with that?

25 A. Yes, sir.

1 Q. All right.

2 MR. SOLIS: Pass the witness.

3 THE COURT: Thank you, Mr. Solis.

4 Mr. Blackburn.

5 CROSS-EXAMINATION

6 BY MR. BLACKBURN:

7 Q. Good afternoon.

8 A. Good afternoon, sir.

9 Q. When you first joined the SNM, you were
10 aware of some of the main rules about informing,
11 cooperating with law enforcement officers, were you
12 not?

13 A. Yes, sir.

14 Q. And you knew that that was basically a big
15 no-no, is that correct?

16 A. Yes, sir.

17 Q. And one of the other situations that you
18 knew about was that brothers did not mess around
19 with other brothers' loved ones, spouses, or
20 whatever, nor significant others as long as they
21 were still in a relationship with them; isn't that
22 true?

23 A. Yes, sir.

24 Q. So when you were released from prison in
25 2001 as it related to the armed robbery that

1 occurred at the Goodwill store in December of 2001,
2 that's when you first started cooperating with the
3 Government, did you not?

4 A. Yes, sir.

5 Q. As discussed by Mr. Castle and others, you
6 provided information that led to the arrest of the
7 shooter, which was Monte Cantu, correct?

8 A. Shooter? I don't know if he shot anybody.

9 Q. Okay.

10 A. We were co-defendants in the robbery.

11 Q. Co-defendants in the robbery? And you
12 went through the situation earlier this morning with
13 Mr. Castle about who really did that or not. But
14 the bottom line was that you cooperated with law
15 enforcement; isn't that correct?

16 A. Yes, sir.

17 Q. All right. And it was at that time that
18 you also requested to have, in 2001, that you
19 requested to have those charges dismissed and be
20 relocated in another state for your cooperation with
21 the federal government. Because that's who you were
22 talking to at the time, was it not?

23 A. I believe it was part of the task force.
24 Federal agents were there, yes.

25 Q. And this is around -- this happens in 2001

1 when the situation occurs with the Goodwill store,
2 but it's in 2002 that you're talking to the
3 individuals from the FBI; isn't that correct?

4 A. I'm not sure about that, sir. In 2002
5 there may have been federal agents present, but my
6 discussions were primarily with Robert Martinez, who
7 was a sheriff's officer -- sheriff's detective.

8 Q. Do you know Jennifer Sparks and Daniel
9 Howington?

10 A. I believe they were agents in the bureau,
11 yes, sir.

12 Q. Do you remember talking to them -- well,
13 actually, I believe you talked with them on June 22,
14 2002. Would you like to see a copy of that?

15 A. If you have it there, I'll stipulate that
16 I had the conversation.

17 MR. BLACKBURN: May I approach, Your
18 Honor?

19 THE COURT: You may.

20 Q. I just want to see if you recognize this
21 one?

22 A. Okay. Yes, sir.

23 Q. All right. So that was when you talked to
24 the FBI initially; is that right?

25 A. Yes.

1 Q. So already you knew that that was a
2 violation of the SNM rules, requirements?

3 A. Yes, absolutely.

4 Q. And that was not -- you've talked with
5 them at a later date on a number of occasions, have
6 you not?

7 A. Yes, sir.

8 Q. So there came a time, as it relates to the
9 situation in April of 2003, as it relates to Ronald
10 Contreras, in what is known as the Goodfellas barber
11 shop shooting in the North Valley in Albuquerque,
12 correct?

13 A. Yes, sir.

14 Q. And as a result of that, again as Mr.
15 Castle and others discussed with you this morning,
16 you did that particular shooting because of the fact
17 that he was an LC member, and that was part of the
18 rules, to attack them whenever you saw them; is that
19 correct?

20 A. Yes, sir.

21 Q. But you later found out that at the time
22 that you were sacrificing yourself and doing things
23 for the SNM, that others that are in charge of SNM
24 are having a truce with the LCs, right?

25 A. Yes, sir.

1 Q. And that was what led to your, what I
2 would call or what you would call your
3 disillusionment with the SNM; is that right?

4 A. Yes.

5 Q. And it was shortly after that you, when
6 you returned to prison or when you returned back,
7 you had -- you felt that you were extremely -- you
8 extremely felt like you were being disrespected
9 because of the truce that had been negotiated, while
10 at the same time you were out there doing what you
11 thought was the right thing to do for SNM and
12 putting your life in danger; is that correct?

13 A. Yes.

14 Q. And at that point in time, you felt that
15 you had gave up the rest of your life for SNM for no
16 reason at all because of the truce they negotiated;
17 is that right?

18 A. I felt it made my life sentence
19 meaningless, yes.

20 Q. And so you stayed pretty much loosely
21 affiliated with the SNM thereafter, although you
22 were still there, until Gerald Archuleta, Styx, was
23 discharged; and at that point in time you thought
24 that you should have been or you expected to be left
25 in charge; is that correct?

1 A. I argue with that timing, sir, but that's
2 what you say.

3 Q. Okay. Well, there was a statement that
4 you made to the FBI in December of 2015 that I can
5 show you, if you would like to again look at it.

6 A. You don't need to show me, sir.

7 Q. So you agree, then, that there is a
8 statement that you made, indicating that you stayed
9 loosely affiliated with the SNM until approximately
10 2006, when Gerald Archuleta was discharged, and you
11 expected to be left in charge, right?

12 A. Right.

13 Q. But that didn't happen? Somebody else was
14 left in charge, and that was disappointing to you;
15 is that correct?

16 A. If I made the comment to the FBI, I made
17 it about in the '90s. But if they ascribe it to me
18 that way, I'll accept it, yes.

19 Q. Well, you made it about what was happening
20 with Styx whenever he left. It was what you were
21 thinking about when Styx left. But you made the
22 statement to the FBI in 2013, I believe.

23 A. Right.

24 Q. All right. Now, one of the other
25 situations that you talked about was the dispute

1 between Styx and Julian Romero, correct?

2 A. Yes, sir.

3 Q. And that was because of the fact that when
4 Styx was incarcerated and still in the penitentiary,
5 that Julian Romero -- let me back up. Styx
6 requested that Julian Romero go to his house to
7 retrieve something, did he not?

8 A. I don't know about that, sir.

9 Q. Well, you know that basically what
10 happened was, was that Julian Romero went over to
11 Styx's house while he was still married to Lilly,
12 and they started to have a relationship, did they
13 not?

14 A. Yes, sir.

15 Q. And they were still married and still
16 together, and they're sort of having this affair
17 while Styx is still in custody?

18 A. Yes, sir.

19 Q. And still married to her, which is
20 completely a no-no, right?

21 A. According to Angel Munoz, right.

22 Q. According to Angel Munoz, and also
23 supported by Styx at that time? He wasn't very
24 happy, was he?

25 A. No, sir.

1 Q. In fact, you've talked about that this
2 morning, about how people went their different ways;
3 either you were on Styx's side as it relates to his
4 feelings about Julian Romero, or you were on Julian
5 Romero's side as to what he thought was right at the
6 time, correct?

7 A. Yes. Right.

8 Q. And you chose to be on Styx's side.

9 A. Yes, sir.

10 Q. So that's why there was the issues that
11 you became involved in with Julian Romero and the
12 attempt to shoot him?

13 A. Yes, sir.

14 Q. Or not the attempt, but you did shoot him,
15 right?

16 A. Yes, sir.

17 Q. At that time when Styx was in charge, if
18 somebody was totally against him or was taking
19 Julian Romero's side, it wasn't unusual that he
20 would put a number of hits out on people, including
21 Julian Romero, right?

22 A. Yes.

23 Q. And one of the ones that -- some of the
24 people who joined that other side or who was aligned
25 with Julian Romero was the Rascons, right?

1 A. Yes, sir.

2 Q. And that's why you know that Styx put a
3 hit on the Rascons, right?

4 A. Yes, sir.

5 Q. Now, fast forward. At some point in time,
6 you said, I think this morning, about six months
7 before the incident happened in 2007 with Freddie
8 Sanchez, that you were having a discussion with
9 Arturo Garcia about SNM matters; is that correct?

10 A. Yes, sir.

11 Q. And you felt that under the circumstances,
12 that possibly that Arturo was being disrespectful
13 because he was having a relationship with somebody
14 else, right?

15 A. The lady's husband told me as much.

16 Q. And the relationship that he had was that
17 Mario Montoya was married to Kathy?

18 A. Yes, sir.

19 Q. And they got divorced?

20 A. Yes, sir.

21 Q. And they were divorced, and she had been
22 separated from him for a number of years; isn't that
23 correct?

24 A. I believe so, yes.

25 Q. And then after that happened, so after the

1 divorce, after the separation, Arturo Garcia started
2 dating her, correct?

3 A. I believe so, yes.

4 Q. And when you were talking to Arturo
5 Garcia, he was trying to tell you that he saw that
6 as being a different situation?

7 A. Yes.

8 Q. That it wasn't the same as what happened,
9 because he was on Styx's side. He joined Styx for
10 what happened. But his relationship was a little
11 bit different, correct?

12 A. Right.

13 Q. And that's what he was telling you?

14 A. Yes.

15 Q. So when you were in the yard, I believe it
16 was, you said you were in the yard talking to him,
17 and it came up now that there was a situation where
18 you were, again, sort of talking about the fact that
19 there were hits out there on the Rascons by Styx
20 that hadn't been taken care of; is that correct?

21 A. Yes.

22 Q. And you were talking to Arturo about that,
23 and you wondered why that hadn't happened when they
24 were at the South facility; is that correct?

25 A. Yes.

1 Q. And you asked him basically, "Why the fuck
2 are these guys still here? Shouldn't they be in the
3 morgue?" Isn't that basically what you said?

4 A. Something like that, yes.

5 Q. And that Arturo indicated to you that
6 there had been a hit by Styx on the Rascon brothers,
7 but because Styx wanted to --

8 MS. ARMIJO: Your Honor, I'm going to
9 object. This is hearsay.

10 MR. BLACKBURN: Well, I think that was
11 testified to on direct. That's exactly what she
12 had --

13 THE COURT: Is there any difference
14 between what he's saying here than what you brought
15 out on direct? I'm not hearing the difference. I
16 know you don't want him to testify about what
17 Mr. Arturo Garcia said, but if it's the same
18 statement, do you see any difference?

19 MS. ARMIJO: I'm not sure if it's the
20 exact same statement. I just know he's trying to
21 get out his client's statement.

22 THE COURT: Let's be careful. But with
23 the one statement, it sounds identical. So I'll
24 overrule.

25 Go ahead.

1 BY MR. BLACKBURN:

2 Q. I'm just focusing on that one statement.
3 The issue was, that you were concerned about, was
4 why there had not been -- that had not been taken
5 care of, and you're asking Arturo about that?

6 A. Yes.

7 Q. And as you said, I think your comments
8 were exactly this morning that Arturo said that the
9 Rascon brothers were going to take care of something
10 else in exchange for Styx giving them a pass; isn't
11 that true?

12 A. Withdrawing the kill order, yeah.

13 Q. Withdrawing the kill order; is that
14 correct?

15 A. Yes.

16 Q. Thank you.

17 MR. BLACKBURN: I have no further
18 questions.

19 THE COURT: Thank you, Mr. Blackburn.

20 I'm almost reluctant to call on you, Mr.
21 Sindel. I'm afraid I'll get the wrong one.

22 MR. SINDEL: Yeah. You're going to be
23 sorry we wasted all this time.

24 THE COURT: All right. Mr. Sindel.

25 MR. SINDEL: Thank you.

1 CROSS-EXAMINATION

2 BY MR. SINDEL:

3 Q. Good afternoon.

4 A. Good afternoon, sir.

5 Q. You probably heard my name as Richard
6 Sindel since the judge has mentioned it several
7 times. I represent Mr. Joe Gallegos, and I did
8 notice that you never did bring his name up during
9 any part of your examination, either direct or
10 cross, correct?

11 A. Yes, sir.

12 Q. Now, I just kind of -- there was a couple
13 things that sort of stuck out in my head. I think
14 that Mr. Castle, when he talked about you trying to
15 set up Billy Garcia so you could shoot him -- do you
16 remember that?

17 A. Yes, sir.

18 Q. You said that you had just finished
19 shooting at Mr. Romero?

20 A. Yes, sir.

21 Q. You had just come back from a situation
22 where you were hoping to be able to assassinate him,
23 correct?

24 A. Yes, sir.

25 Q. That was the plan?

1 A. Yes.

2 Q. Hit him close to the car, blow his brains
3 out?

4 A. Yes.

5 Q. Okay. Whether his child or whatever, his
6 wife or whoever, would have been scattered with that
7 body parts was of no consequence to you; is that
8 right?

9 A. They weren't standing at the door, sir.

10 Q. I mean if they would have seen his brains
11 laying there on the sidewalk.

12 A. I didn't consider that.

13 Q. That wasn't something you considered. And
14 I think he discussed, well, Billy Garcia was too
15 smart to meet with you. And you said, well, you
16 thought of it more as cowardice?

17 A. Yes, sir.

18 Q. So when you called Mr. Romero over to the
19 car, intending to shoot him, was that an act of
20 bravery?

21 A. It was a soldier doing his job, sir.

22 Q. Was it an act of bravery?

23 A. What? To kill him?

24 Q. Well, trying to deceive him so he came
25 close enough so you could shatter his face?

1 A. That's tactical warfare, sir.

2 Q. Is that how you saw it?

3 A. Yes, sir.

4 Q. And then when you shot the gentleman in
5 the barber shop, in the back, you saw that as an act
6 of bravery, as well?

7 A. I actually shot him in the chest,
8 face-to-face first, sir. Then I finished by
9 shooting him in the back when he attempted to flee.

10 Q. I'm sorry? When he attempted to flee for
11 his life?

12 A. Yes.

13 Q. You blew him apart?

14 A. Yes.

15 Q. And as I understand it, you did those
16 things because it was the rule?

17 A. Yes, sir.

18 Q. You were following the rules?

19 A. Yes.

20 Q. You were dedicated to that?

21 A. Yes.

22 Q. You were even on a crew of people called
23 the violation crew, right?

24 A. Yes, at the Main unit.

25 Q. Yeah. And then you were part of the crew,

1 and their job was to go and beat down people who had
2 violated certain rules of the SNM?

3 A. Yes, sir.

4 Q. And at least as I heard it, back as early
5 as 2001 you had violated the rules, right?

6 A. Absolutely.

7 Q. So would you call that somewhat two-faced?

8 A. I would call it hypocrisy, absolutely.

9 Q. It's a lie, isn't it?

10 A. Yes, absolutely.

11 Q. Now, you also had mentioned there was an
12 information that was filed, and you wanted to be
13 prosecuted federally?

14 A. Yes.

15 Q. Are you familiar with, either from surfing
16 the internet when you're not looking at porn or any
17 other place, about a program called WITSEC?

18 A. I know of it.

19 Q. Okay. And had you ever been told by any
20 FBI agents that the WITSEC program in the prisons
21 are a fucking resort?

22 A. I don't believe I was ever told that, sir.

23 Q. Were you told that there was a different
24 classification from the normal Bureau of Prisons
25 settings for individuals who are sentenced to serve

1 federal crimes?

2 A. Yes, sir.

3 Q. Was it in your interests to be in the
4 WITSEC program?

5 A. Yes, sir.

6 Q. And you had been in the pod with other
7 people who were working for the Government, and then
8 your idea was if you got sentenced in the federal
9 penitentiary, you would also be housed, through
10 whatever sentence you received, with people who had
11 been working for the Government?

12 A. It was my understanding that some of those
13 guys, if successful, would end up in that same
14 facility, yes.

15 Q. Now, when you make a phone -- some of the
16 favors that you got as a result of cooperating was
17 unlimited phone calls, correct?

18 A. Yes, sir.

19 Q. That's a big deal, right?

20 A. For people who love to use the phone,
21 yeah, absolutely.

22 Q. Well, I mean, you would use the phone
23 quite a bit, wouldn't you?

24 A. Yes.

25 Q. There would be multiple calls in a single

1 day that you might make to your mother?

2 A. Yes.

3 Q. Correct. And just so we have the name
4 right, it's Jeannette Ogletree Marquez?

5 A. Odelia.

6 Q. Odelia?

7 A. Yes.

8 Q. How do you spell that?

9 A. O-D-E-L-I-A.

10 Q. And when you would call her, would you use
11 your pin number in order to place the call?

12 A. Yes.

13 Q. At least as I understand it -- you correct
14 me; you're good at that -- you have to put in your
15 pin number in order to make a phone call on the
16 system that's at the jail?

17 A. Yes, sir.

18 Q. It's called the Securus or something like
19 that?

20 A. Yes.

21 Q. And then it gets logged onto your books,
22 and you get charged for it, and then somebody puts
23 money on your books for you to be able to make those
24 calls?

25 A. As a prepaid phone call, yes.

1 Q. Right. And so when you would call your
2 mother or anyone else, there would be a slight pause
3 for you to put your name in?

4 A. The system is arranged so that we only
5 have to say our name, sometimes, at the beginning of
6 the call. There are other times when you dial the
7 number and it's automatically recorded under your
8 pin number as your name. So they just record your
9 voice, and then they put that as your call.

10 Q. So sometimes you would make the recording
11 of your name as you were placing the call; and other
12 times, it was sort of automated?

13 A. Yeah. Every few months it would it say,
14 "Please state your name after the beep." I'd say my
15 name, and then the call was processed. There were
16 other times I would dial and I'm not required to
17 follow that step.

18 Q. When you would call your mother, would you
19 refer to yourself as "Freddie"?

20 A. Yes, sir.

21 Q. And you would call her "Mom"?

22 A. Yes, sir.

23 Q. Now, there was questions that Mr. Castle
24 asked you about a phone call that was placed on
25 January 17, 2007, at 5:04 p.m. And I have to tell

1 you, I'm not particularly interested in your
2 religious views or things that you may say in a
3 particular situation, but do you remember calling
4 your mother and talking to her about some of the
5 things that Mr. Castle brought up?

6 A. I remember having a conversation with my
7 mom recently about her health issues and --

8 Q. Wouldn't it be fair to say that you were
9 calling her multiple times a day in the year 2017?

10 A. Yes, sir.

11 Q. And some of the things that you would be
12 talking to her about -- in other words --

13 A. Well, actually, sir, in 2017, half of the
14 year I was at the North, where I had access to use
15 the phone daily; and the other half of it, I am in a
16 different facility where I can't make those calls
17 like that anymore.

18 Q. Well, I'm talking about January 17, 2017.

19 A. Yes. I could use the phone mostly
20 whenever I wanted, yes.

21 Q. And in that particular situation when you
22 would talk to your mother, would you refer to
23 someone named "John"? Was that your lawyer?

24 A. Yes.

25 Q. And you would refer, sometimes, with your

1 dreams or hopes to receive commutation from the
2 governor?

3 A. Yes, absolutely.

4 Q. Or a pardon from the governor?

5 A. Not a pardon, because I knew that that
6 connotes something entirely different than a
7 commutation.

8 Q. Okay. What you're looking for is a way
9 out?

10 A. What I was, was looking for a reduction in
11 my state sentence, yes.

12 Q. Which would be a way out?

13 A. Yes.

14 Q. And in those conversations, did you refer
15 to "Mark Myers" or "Mr. Myers"?

16 A. Did I refer about him to my mother?

17 Q. Yes.

18 A. Yes.

19 Q. He was somebody that you hoped would be
20 instrumental in taking your case to the governor's
21 office in order to try and get a commutation?

22 A. Yes, because he worked for her in one of
23 her state facilities, yes.

24 Q. And so if I have it right, there was a
25 number of times that you would talk to your mother

1 about what your dreams were; there was also a number
2 of times when you would talk to her about your
3 gripes or complaints?

4 A. Yes, sir.

5 Q. And do you remember indicating to her at
6 one point in time that you were putting in work for
7 the Government?

8 A. I might have been facetious and joking
9 around about that, sir, but it's quite possible I
10 said that.

11 Q. Would you have said, "I'm putting in work
12 for the federal government, and those cocksuckers
13 are making me regret it"?

14 A. I might have said that, yes.

15 Q. Because sometimes you would get very
16 frustrated with exactly what was happening?

17 A. Oh, yes.

18 Q. And that's part of your personality, isn't
19 it?

20 A. Yes. I'm pretty impatient, sir.

21 Q. Mr. Castle read a poem that you wrote
22 about the murder that you had committed. Who did
23 you send that poem to?

24 A. They say I sent to it my mom, but I might
25 have sent to my girlfriend. It's quite possible I

1 sent it to my mom, to store all my poems.

2 Q. And it gets you right there in the heart,
3 doesn't it?

4 A. Yeah.

5 Q. Now, there was some back and forth, and I
6 just want to make sure I have it in my head right.
7 There was a pizza party that was thrown for all the
8 people who were cooperating, but you didn't attend
9 that; is that right?

10 A. That is right, sir.

11 Q. And that was at the prison facility?

12 A. Yes, sir.

13 Q. You were still there, and you stayed in
14 your cell rather than coming out and enjoying the
15 festivities?

16 A. The event was not in the pod, so I stayed
17 in the pod.

18 Q. But you later on did have pizza with your
19 mother, right, from Pizza Hut?

20 A. Yes.

21 Q. And so that was, you know, sort of a
22 special occasion for you and your mom and some other
23 people?

24 A. Yes.

25 Q. Other civilians?

1 A. Yes.

2 Q. Who else was there beside your mom? And I
3 just need first names. I'm not interested --

4 A. Annette and Annette.

5 Q. Okay. And were those girlfriends?

6 A. Sister and auntie.

7 Q. Sister and an aunt, you said?

8 A. They have the same name.

9 Q. All right. So were there then three
10 people that you got to invite to the pizza party?

11 A. Yes, sir.

12 Q. At the FBI headquarters?

13 A. Yes, sir.

14 Q. That was pretty nice, wasn't it?

15 A. Yes, sir.

16 Q. And were there some times that you can
17 recall talking to your mother because you were
18 having issues with your finances?

19 A. Probably, yes.

20 Q. And would you at times complain because
21 the money orders weren't deposited or Acee was late
22 in bringing you money?

23 A. Probably, yes.

24 Q. And the money that you got, even though it
25 wasn't a whole lot of money, it meant a lot to you

1 when you were in prison, didn't it?

2 A. Certainly. Absolutely, yes.

3 Q. Because if you don't have that money, like
4 you said, you'd be totally out of canteen?

5 A. Yes.

6 Q. Canteen is where you get your hygienic
7 material, your soap, your toothpaste, toothbrush,
8 things like that?

9 A. Yes.

10 Q. But also, really importantly, you can get
11 extra food?

12 A. Yes.

13 Q. Because it isn't exactly like within the
14 jail setting you either get great food or a lot of
15 it, is it?

16 A. No, sir.

17 Q. Was it fair that you were hoping that the
18 governor might commute your sentence from a murder
19 first degree to a murder second degree?

20 A. Yes, sir.

21 Q. Now, there is no doubt, when you shot that
22 gentleman in the barber shop, that you meant to do
23 it; correct?

24 A. Yes, sir.

25 Q. There was no doubt it was premeditated?

1 A. Yes, sir.

2 Q. And in your readings, whatever they may
3 be, you understand that the law says that murder in
4 the first degree is a premeditated murder?

5 A. Yes, sir.

6 Q. So you were hoping that the governor would
7 look at the fact that you thought it out, planned
8 it, and carried it out, differently in your
9 circumstances; correct?

10 A. It's quite amazing. I thought that way,
11 yes.

12 Q. And you thought that Mr. Myers, acting on
13 your behalf, would be able to not only hand-deliver
14 a letter to the governor, but have a personal
15 conversation with him?

16 A. Yes.

17 Q. And you were hoping, as well, that Maria
18 and Randy would offer to provide depositions,
19 videos, or letters on your behalf?

20 A. Yes.

21 Q. Did you tell your mother that Acee and
22 Maria would help you get --

23 MS. ARMIJO: Objection; hearsay.

24 Q. Was it in your mind that Acee and Maria
25 might help you get clemency?

1 A. It was a hope, sir.

2 Q. And you know that the things that you hope
3 for aren't going to be delivered until you deliver,
4 right, until you testify?

5 A. Yes.

6 Q. You know, you realize that the people that
7 will be judging your performance here in court will
8 be the people that sit here at this table?

9 A. Mark Myers is retired, sir. The avenue,
10 that whole approach, is gone.

11 Q. Well, Mr. Myers may be gone, but your
12 goals or your hopes or your dreams aren't, are they?

13 A. My dream to serve my time, the rest of my
14 time in a safe environment, yeah, that's still
15 valid.

16 Q. Don't you have a dream that maybe you
17 won't have to serve the rest of your time?

18 A. Well, I know that I will. It's obvious to
19 me.

20 Q. Has the governor given you a call and
21 said, "Look, I've got to tell you, as far as I'm
22 concerned, I'm never letting you out"?

23 A. No, sir.

24 Q. Has the governor written you a letter
25 saying, "As far as I'm concerned, I'm never letting

1 a cold-blooded killer out of prison"?

2 A. No, sir.

3 Q. Has any member of his staff ever said,
4 "You know what? We took a look at the fact that
5 you've laid waste or attempted to kill a lot of
6 people, and we've decided it's time for you to walk
7 amongst us"?

8 A. No, sir.

9 Q. I didn't think so.

10 MR. SINDEL: Thank you.

11 THE COURT: Thank you, Mr. Sindel.

12 Any other defendant have cross-examination
13 of Mr. Munoz? All right.

14 Ms. Armijo, do you have redirect of
15 Mr. Munoz?

16 REDIRECT EXAMINATION

17 BY MS. ARMIJO:

18 Q. Mr. Munoz, who was Mark Myers?

19 A. He was the former Deputy Secretary of
20 Corrections.

21 Q. All right. Has he since retired?

22 A. Yes, ma'am.

23 Q. Is he part of the prosecution team
24 anymore?

25 A. No, ma'am.

1 Q. Did anybody that was sitting at this table
2 ever make you any promises about you having to
3 testify, and something would happen with your state
4 case?

5 A. No, ma'am.

6 Q. And have you already testified before for
7 the United States?

8 A. Yes.

9 Q. Now, you talked about, just now with
10 Mr. Sindel, about your dream to be in a safe
11 environment. What did you mean by that?

12 A. Where I don't have to watch my back,
13 getting stabbed by anybody from my previous
14 lifestyle.

15 Q. Now, you talked about how when you were
16 out, you were -- I'm going back to now 2001, I
17 guess. No, actually, it's 2003. Do you recall
18 that? You were asked questions about the incident
19 in which you were trying to get Billy Garcia to come
20 and see you after the shooting of Julian Romero?

21 A. Yes, ma'am.

22 Q. Did you know what Billy Garcia's position
23 was as to your shooting Julian Romero?

24 A. He was opposed to it, ma'am.

25 Q. All right. And was that why you wanted to

1 actually have a meeting with him?

2 A. I anticipated that he and I were going to
3 become enemies over the matter, so I felt like I
4 might as well just preemptively initiate the battle
5 because it was going to come to that anyway.

6 Q. Now, you were also asked questions about
7 the murder of Animal?

8 A. Yes, ma'am.

9 Q. And about the manner in which it happened.
10 Were you given any direction as to how that murder
11 should occur?

12 A. Yes. It was a recommendation from Angel.

13 Q. And what did he recommend?

14 A. To strangle him.

15 Q. Now, you were also asked several questions
16 about your plea deal in which you got a concurrent
17 sentence. Were you already doing a life sentence?

18 A. Yes.

19 Q. Did you plead guilty to a first-degree
20 murder charge?

21 A. The barber shop murder was a no-contest
22 plea, but the legal consequence is still the same as
23 if it's a guilty plea.

24 Q. Okay.

25 A. I pled no contest, and I received a life

1 sentence for it.

2 Q. Thank you. So you didn't receive a
3 reduction to second-degree murder?

4 A. No, ma'am.

5 Q. You didn't receive anything other than a
6 life sentence?

7 A. No, ma'am.

8 Q. Is that much of a deal?

9 A. It's not really a good deal.

10 Q. Okay. You were asked questions about the
11 statement that you wrote, and I believe Mr. Castle
12 was inferring that you -- that you --

13 MR. CASTLE: I'm going to object to what
14 the characterization was.

15 THE COURT: Let's not characterize. Just
16 ask the question.

17 Q. Mr. Castle was talking about a letter that
18 you wrote, describing your events on December 24th.
19 Do you remember, he was saying something to the
20 effect of Christmas Eve?

21 A. Yes, ma'am.

22 Q. Did you write that all on one day?

23 A. I don't think so, ma'am. It took me
24 probably a week or so.

25 Q. How many pages was that, if you recall?

1 A. Thirty-six pages probably.

2 Q. And in that -- and when did you write
3 that?

4 A. It was in the year 2016, in the beginning.
5 I don't remember the exact date or anything like
6 that.

7 Q. Do you recall in that, that you actually
8 referred to your conversation with Billy Garcia
9 before he went down to Southern?

10 A. Yes, ma'am.

11 Q. And you detailed that?

12 A. Yes, ma'am.

13 Q. All right. You were also -- with Mr.
14 Castle, you referenced that there was -- you talked
15 about the different factions, and you indicated that
16 there was some -- talking about smack. Do you
17 remember that?

18 A. Yes, ma'am.

19 Q. What did you mean by that?

20 A. Disrespect.

21 Q. And why -- and why is disrespect important
22 to the SNM, and how?

23 A. I mean, we all define our identity around
24 being respected. So if there's ever a fraction in
25 that in that perception, we become vulnerable to

1 other people who have more passion and hunger to
2 have that respect. And you get hurt for that sort
3 of thing.

4 Q. And so what happens when you're
5 disrespected?

6 A. You have to act on the person that
7 disrespected you by checking them, hurting them, and
8 in some cases killing them.

9 Q. You were also asked about if you and Styx
10 were the primary leaders of violence -- my words --
11 from -- up until 2002. Do you recall those
12 questions?

13 A. Yes, ma'am.

14 Q. Were you and Gerald Archuleta the only
15 ones inflicting violence during that time?

16 A. No, ma'am.

17 Q. Who else -- well, I don't want to get into
18 people. Was other SNM members also involved in that
19 activity?

20 A. Yes, ma'am.

21 Q. You were also asked about the order on
22 Popeye. Do you recall that?

23 A. Yes, ma'am.

24 Q. And you indicated something about being
25 insulted?

1 A. I was assaulted.

2 Q. Oh, okay. I wrote that down wrong. So
3 you were assaulted?

4 A. Yes.

5 Q. And was that in reference to being
6 assaulted?

7 A. Yes, ma'am.

8 Q. Now, you also were asked questions about
9 the visits that you've had with family members since
10 you have been cooperating and charged in this case.
11 Now, the visitation -- has the process since you've
12 been charged -- and were you charged federally in
13 April of 2016?

14 A. No, ma'am. Wait. April of 2016. I might
15 have been, yes.

16 Q. Okay. And since that time, has it been an
17 easy experience for you?

18 A. It has not.

19 Q. Have you been frustrated at times?

20 A. Absolutely.

21 Q. And the visits that you had -- what was
22 your classification before you were charged
23 federally?

24 A. I was a Level 3 prisoner at the GO
25 facility, which is a privately run state

1 institution. I was a drop-out, so I was in the
2 general population facility.

3 Q. And you say Level 3?

4 A. Yes, ma'am.

5 Q. And what sort of benefits were you allowed
6 as a Level 3 inmate?

7 A. I was allowed to be out of my cell from
8 5:30 in the morning until, I believe, 10:30 at
9 night. I was allowed access to the recreation yard
10 twice a day for an hour each. I was allowed to go
11 to the gym and exercise, the weight machines, play
12 basketball. I was allowed to use the phone, watch
13 TV, have contact visits for regularly scheduled
14 visiting days, Friday, Saturday, Sunday.

15 Q. So by being charged federally, did you
16 lose a lot?

17 A. Yes, ma'am.

18 Q. Now, you were also asked several questions
19 about meetings with your mom at the FBI?

20 A. Yes.

21 Q. Why did you have meetings with your mom?

22 A. Well, my mom is undergoing some health
23 issues, and it doesn't appear to be good for her.
24 And I realized, because of her financial situation,
25 then when I leave New Mexico on this federal

1 sentence, that I very likely will not see her or my
2 close relatives again. So I asked my attorney if he
3 could arrange for it so that I could visit with my
4 mom, and he said he would do his best to make it
5 happen.

6 Q. Now, you were asked about a phone
7 conversation that you had with a person who you
8 indicated was misidentified in the transcript. Do
9 you recall those questions?

10 A. Yeah. I never spoke with a Elizabeth
11 Munoz, but some of the body of the text was mine.
12 But I'm confused about the name and the exchange
13 between the name on the top of the paper, and
14 myself.

15 Q. And you've never seen these transcripts,
16 have you?

17 A. No, ma'am.

18 Q. And the conversation that you were having
19 with a woman in reference to the President, what
20 were you referring to?

21 A. I don't believe I know fully what that was
22 about. I mean, I follow politics, so I'm always
23 discussing politics with my mother. When I saw that
24 my attorney, who was at the time officially my
25 attorney, got nominated by the President, I believe

1 I called her to tell her, "Wow, that's pretty crazy.
2 He got nominated by President Trump."

3 Q. Do you know if, in fact, he is walled off
4 from this case, now that he is --

5 A. I know he's not allowed to have any
6 association with me or my family because of that.

7 Q. And also with the prosecution?

8 A. Yes.

9 MS. ARMIJO: Your Honor, may we approach?

10 THE COURT: You may.

11 (The following proceedings were held at
12 the bench.)

13 MS. ARMIJO: Your Honor, at this time I
14 believe I would like to see the documents for the
15 good faith basis for asking. Because it wasn't
16 just, "Were you diagnosed?" He said, "You know you
17 were." It was a positive assertion that he has been
18 diagnosed with these things, which he clearly has no
19 basis to ask those questions.

20 And we ask that they be struck.

21 MR. CASTLE: Your Honor, here's what the
22 situation was. I'm trying to access it on our
23 extranet. It will not download. So I cannot find
24 it. So what I intend to do on recross is bring out
25 for the jury that the IPRA had documents from two

1 different Frederico Munozes and that we may very
2 well be wrong about the mother's name, Elizabeth
3 Munoz, and also the antisocial personality disorder.
4 I don't believe we are wrong.

5 Because I can't pull this down off our
6 extranet, I'm willing to make that statement with
7 the witness so that will cure that problem. But I
8 can't access it. I can show the Court. The
9 internet speed won't let me access.

10 THE COURT: Well, you can do two things.
11 One is, we could just leave it where it is. And if
12 it looks like we don't have any basis for the
13 questions, we can come back and strike the material.
14 Or Mr. Castle can do what he just proposed.

15 I do propose not to strike it now, because
16 I do want to give Mr. Castle a chance -- we're in
17 the middle of trial -- to see if he can show the
18 good faith basis for the question. So I'm not
19 inclined to strike it now.

20 So what's your preference?

21 MS. ARMIJO: Well, the only problem with
22 him asking this witness the questions, it's
23 basically him testifying; he's basically telling
24 him. Unless he's going to be apologizing to him.

25 THE COURT: Let's just leave it now. Why

1 don't you not go into that and testify.

2 MR. CASTLE: I am going to clear up the
3 problem with the mother and everything else. We can
4 talk about the name.

5 THE COURT: I don't know how you'd get
6 that in without turning into a witness here, and I
7 don't think you want to do that.

8 MR. CASTLE: It's not exactly like that.
9 I'm going to say, "Despite the fact we had the wrong
10 name down, you're not denying these were your
11 statements?"

12 THE COURT: I think that's fine.

13 MS. ARMIJO: Except he didn't deny they
14 were his statements. He said that they were his
15 statements.

16 MR. CASTLE: I think it's a separate issue
17 than what she was talking about, which is the
18 antisocial personality.

19 THE COURT: I'll allow that.

20 MR. CASTLE: Okay.

21 (The following proceedings were held in
22 open court.)

23 THE COURT: All right. Anything else, Ms.
24 Armijo?

25 MS. ARMIJO: May I just have a moment?

1 THE COURT: You may.

2 MS. ARMIJO: Thank you, Your Honor. Pass
3 the witness.

4 THE COURT: Thank you, Ms. Armijo.

5 Mr. Castle, did you have anything further?

6 MR. CASTLE: Yes, if I could, Your Honor.

7 THE COURT: Mr. Castle.

8 RECROSS-EXAMINATION

9 BY MR. CASTLE:

10 Q. Mr. Munoz, I don't know if you know this,
11 but were you aware there is another Frederico Munoz
12 with your same year of birth here in New Mexico?

13 A. No, sir.

14 Q. Never ran across him?

15 A. No, sir.

16 Q. Okay. So I just have to apologize to you.
17 Elizabeth Munoz is his mother, not yours.

18 A. That's fine, sir.

19 Q. But with regards to those transcripts we
20 showed, you weren't denying your words; you were
21 just contesting that the other speaker was a person
22 by the name of Elizabeth Munoz, right?

23 A. Yes. I don't know who that lady is.

24 Q. Okay. Now, there was some questions about
25 that Angel Munoz ordered you to murder Felix

1 Martinez and he told you how to do it, right?

2 A. He recommended a way to do it.

3 Q. And he recommended strangulation, right?

4 A. Yes, sir.

5 Q. Any other details that he recommended to
6 you?

7 A. No, just that it was quiet, less messy, so
8 it made sense to me.

9 Q. So when you spit in his face, when you
10 spit in Felix Munoz's face -- Felix Martinez's face
11 after you murdered him --

12 A. I didn't spit on him, sir.

13 Q. You didn't spit on him?

14 A. No, sir.

15 Q. You didn't spit on his face?

16 A. No, sir.

17 Q. Let me talk to you a little bit but
18 turning yourself in to the RPP Program on June 16,
19 2014.

20 A. Yes, sir.

21 Q. That's where you're opting out of the
22 gang, right?

23 A. I was monitoring, screening, for some time
24 before June 16th. But I was eventually cleared to
25 go.

1 Q. That's the formal way of opting out,
2 right?

3 A. Yes.

4 Q. When you go in for that formal opt-out,
5 they sit down with you and they talk to you, and
6 they ask you to come clean on your knowledge of the
7 gang, the activities you've done in the gang, and
8 things that you know about crimes the gangs have
9 committed, right?

10 A. They have a series of --

11 MS. ARMIJO: Your Honor, I'm going to
12 object to beyond the scope of redirect.

13 THE COURT: How is this tied to the
14 redirect?

15 MR. CASTLE: Well, it was actually another
16 counsel got into it and opened that area up. And I
17 haven't done this in other witnesses, but I wanted
18 to clarify one aspect about that, if I could, Judge?

19 THE COURT: I think I need to sustain.

20 MR. CASTLE: Okay.

21 BY MR. CASTLE:

22 Q. Well, the Government indicated, whether in
23 your written letter, you indicated something about
24 Mr. -- this supposed meeting you had with Mr. Garcia
25 before the 2001 murders, right?

1 A. Yes.

2 Q. In your discussions with the RPP people,
3 you never mentioned that meeting, did you?

4 A. It was a series of fixed questions that
5 was asked of me.

6 Q. So you never mentioned that meeting to the
7 RPP folks, did you?

8 A. No, sir.

9 Q. And, in fact, in that letter -- I want you
10 to look at it, if we could. Do we have it handy?

11 You claimed that you had some kind of
12 discussion with Mr. Garcia after the murders
13 happened, right?

14 A. Yes.

15 Q. And I think you said something else about
16 Mr. Garcia doing -- making some kind of chant or
17 something out at the MDC?

18 A. Yes.

19 Q. See if you can find this. Any mention of
20 that in the 38 pages you wrote?

21 A. That's not in there, sir.

22 Q. Okay. What you did write was --

23 MS. ARMIJO: Objection; hearsay.

24 MR. CASTLE: Well, concerning a killing,
25 Your Honor. She got into what he wrote about

1 killing in his letter.

2 THE COURT: Well, if you just want to have
3 a general topic, but if you're going to get into
4 details, if it's being offered for the truth, then I
5 have to sustain.

6 MR. CASTLE: Okay. It's just general,
7 Your Honor.

8 BY MR. CASTLE:

9 Q. In that letter that the Government just
10 asked you to tell us about and what you said about
11 Mr. Garcia -- do you remember that letter?

12 A. Yes.

13 Q. You wrote, "My intention was" --

14 MS. ARMIJO: Objection; hearsay.

15 THE COURT: I don't think that's general.
16 Sustained.

17 BY MR. CASTLE:

18 Q. Now, there were questions about your
19 desire to go to the federal facility, right?

20 A. Yes.

21 Q. And I think -- well, what the questions
22 were about was to say the reason you want to go
23 there is because you want to be safe and it's not
24 going to be a cushier place, right?

25 A. I'm pretty sure it would be better than

1 what I have right now, yes.

2 Q. In fact, well before this indictment, well
3 before you dropped out, you were trying to get into
4 the feds anyway, right?

5 A. During my earlier discussions with
6 representatives of the federal government, it was
7 presented to me that I could possibly go to one of
8 those facilities, yes.

9 Q. So way back in 2002, when you were still
10 doing work in the SNM, you were trying to get moved
11 to the federal facility, right?

12 A. Yes.

13 Q. And that wasn't because of danger? That
14 was because you wanted a better placement?

15 A. Yes.

16 MR. CASTLE: No more questions.

17 THE COURT: Thank you, Mr. Castle.

18 Ms. Armijo, do you have any more redirect?

19 MS. ARMIJO: No, Your Honor. Thank you.

20 THE COURT: All right. Mr. Munoz, you may
21 step down. Is there any reason that Mr. Munoz
22 cannot be excused from the proceedings? Ms. Armijo?

23 MS. ARMIJO: No, Your Honor.

24 THE COURT: Any defendant have any
25 objection to Mr. Munoz being excused? Not seeing or

1 hearing any objection, Mr. Munoz, you are excused
2 from the proceeding.

3 THE WITNESS: Yes, sir.

4 THE COURT: Thank you for your testimony.

5 THE WITNESS: Yes, sir.

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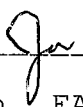
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2 STATE OF NEW MEXICO

3
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 30th day of May, 2018.

13
14 
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